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LEGISLATIVE ASSEMBLY
237

Assembly Proceedings

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Bengal Legislative Assembly

Third Session, 1938

7th, 8th, 9th, 14th, 15th and 16th February 1938

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A

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C

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D

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E

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F

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I

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J

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K

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Kundu, Mr. Nishitha Nath. [Dinajpur (General).]

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N

Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar. (Presidency Landholders.)
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P

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Paul, Sir Hari Sankar, KT. (Bengal National Chamber of Commerce.)
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R

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Roy, Mr. Manmatha Nath. [Howrah (General).]
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S

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T

Tamizuddin Khan, Maulvi. [Faridpur West (Muhammadan).]
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Thakur, Mr. Promatha Ranjan. [Faridpur (General).]
Tofel Ahmed Choudhury, Maulvi Haji. [Bhola South (Muhammadan).]

W

Waliur Rahman, Maulvi. [Jessore East (Muhammadan).]
Walker, Mr. J. R. [Hooghly *cum* Howrah (European).]
Walker, Mr. W. A. M. (Indian Jute Mills Association.)
West, Mrs. Ellen. [Anglo-Indian (Women).]
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

Y

Yusuf Mirza. [24-Parganas Central (Muhammadan).]
Yusuf Mirja. [24-Parganas Central (Muhammadan).]

Z

Zahur Ahmed Choudhury, Maulvi. [Malda North (Muhammadan).]
Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Third Session.)

Volume LII—No. 1.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 7th February 1938, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 202 members.

Oaths.

The following members made their oath or affirmation of allegiance to the Crown:—

(1) Maulvi Zahur Ahmed Choudhury.

(2) Mr. W. A. M. Walker.

(3) Mr. H. R. Norton.

(4) Mr. F. T. Homan.

(5) Mr. I. G. Kennedy.

(6) Mr. J. P. Anderson.

Panel of Chairmen.

Mr. SPEAKER: In accordance with the provisions of Rule 3 (section 6) of the Bengal Legislative Assembly Rules, 1937, I nominate the following members of the Assembly to form a panel of four Chairmen for the ensuing session:—

(1) Sir George Campbell, Kt.

(2) Mr. Sarat Chandra Bose.

(3) Begum Farhut Bano Khanam.

(4) Mr. Hem Chandra Naskar.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Assembly in my absence and in the absence of Deputy Speaker.

Obituary reference.

Mr. SPEAKER: Ladies and Gentlemen, before we proceed to the business of the day it is my melancholy duty to give expression to, on our behalf, our deepest sense of grief and sorrow that the inscrutable hands of death have successively within the last few months removed three of our illustrious countrymen, viz., Sir Jagadish Chandra Bose, Principal Heramba Chandra Maitra and Srijut Sarat Chandra Chatterjee.

Sir Jagadish Chandra Bose has left for himself a permanent place in the role of scientific achievements of the world. He conquered the many unexplored peaks in the domain of science and won for this dear province of ours, a recognition in the intellectual history of man. He is much beyond any one of us to enable us to make any estimate of his character, career and achievements. Others may and probably will do it much better than ourselves but I am sure none will mourn the loss so deeply as we do; he belonged to us and to our province. Our loss is still fresh and our grief is deep and personal, and we stand to-day bewildered and overwhelmed that he has left us to seek his eternal peace and refuge.

But as I read to-day the description of his mortal frame being taken out and carried in procession among homage of thousands who gathered, I find Principal Heramba Chandra Maitra, too weak to walk by himself, helped by others present on the occasion. Little did anybody then realise how the inevitable end was stealthily approaching him to lead him towards the destined end of all mortal beings. He was a teacher in the true sense of the term and for successive decades he taught us how to take the torch from generations past, to keep it bright for generations to come. He had profound respect for truth and integrity. He has passed away leaving his monumental achievement in the field of education in an institution which has a recognised place to-day amidst the institutions in Bengal.

Srijut Sarat Chandra Chatterjee's place in the field of Bengali literature is such as for many years have delighted thousands of hearths and homes in this province and outside. He died in an age unlike the age when he was born and he has *par excellence* in his literary works given expression as to what he had in his time seen, heard and felt since the early dawn of the 20th century. He escaped, what we sometimes learn the terrible calamity of being a youthful prodigy. He began his life's career in circumstances which would have ordinarily chilled and choked the noble gifts of nature, but he succeeded in finding for himself an abiding place in the literature of Bengal wherein he gave expression to what there is in the average life of a Bengali, his joys and sorrows, his strength and weakness, his

passion and emotion, his love and hatred, his wisdom and weakness, not merely in broader streets and avenues of life but in the many narrow lanes and by-lanes in slums and bustees, in dismal and dark surroundings.

Death of any one of such strikingly towering personalities is a calamity of great magnitude, but the passing away of three in succession is a great national tragedy. I am sure, ladies and gentlemen, it is your desire to convey our deep sense of public and personal loss, the loss to ourselves and to this province to the cause of science, education and literature and our deepest sympathy to the members of the bereaved families.

I now request you, ladies and getlemen, to signify your assent by rising in your places.

(Pause.)

Mr. SPEAKER: Thank you ladies and gentlemen. Secretary will take the necessary steps.

STARRED QUESTIONS

(to which oral answers were given)

Resolution on Forest grievances made at Cox's Bazar Tenants' Conference.

*1. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) whether any action has been taken on the resolutions of the Cox's Bazar Tenants' Conference held on the 15th October 1937, regarding forest grievances and on other representations from the District Muslim League of Chittagong;

(*b*) if so, what is the result arrived at; and

(*c*) is the Government considering the desirability of bringing any legislation to remedy the grievances of the forest areas in Bengal?

MINISTER in charge of FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*a*) and (*b*) Yes. Government have the subject matters of the resolutions under examination now and intend to remove, as far as practicable, all legitimate grievances of the tenants.

(*c*) No legislation is at present contemplated.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state how long Government propose to take to give relief to the tenants?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Steps are already under consideration and I hope that this will be finished very soon.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state, if Government is not prepared or is not contemplating to take up any legislation to redress the grievances of the people in the forest areas, whether he will appoint a Committee of non-official members to enquire into this matter?

The Hon'ble Mr. PRASANNA DEB RAIKAT: As I have already said, Sir, the matter is under consideration.

Report on the complaints by girl students of Dacca Medical School against the Deputy Superintendent of the School.

*2. **Babu NAGENDRA NATH SEN:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether the District Magistrate of Dacca submitted his report on the inquiry made by him regarding the complaints made by some girl students of the Dacca Medical School against the Deputy Superintendent of the School;

(*b*) if not, when is it expected;

(*c*) whether Government have any intention to make the report public; and

(*d*) if not, why not?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) Yes.

(*b*) Does not arise.

(*c*) and (*d*) The report is under the consideration of Government.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state when this report was received by Government?

The Hon'ble Mr. SYED NAUSHER ALI: Last month.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if the Government have not yet decided whether the report should be made public or not?

The Hon'ble Mr. SYED NAUSHER ALI: I think, Sir, that I have already replied that the matter is under consideration.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state when Government will be able to give its considered opinion in the matter?

The Hon'ble Mr. SYED NAUSHER ALI: It is very difficult, Sir, to give any time limit. The matter will be attended to as soon as more pressing business of the State permits. I may, however, give an indication of the volume of work that is involved in the consideration of this report, and I think that will satisfy the questioner. The report itself—I have only seen it just now—extends to over 100 typed pages, and the evidence and exhibits come to perhaps several thousands of pages. So it is not an easy task. I have gathered all this from my Secretaries. I cannot make any definite statement, but it will surely take a very long time; there does not, however, appear to be any urgency about the matter.

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. The Hon'ble Minister in replying to a question referred to the member who put the question as the "questioner:" May I know from the Chair whether the word "questioner" is Parliamentary or not?

Mr. SPEAKER: Well, I do not know how it is not Parliamentary.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the officer involved is going shortly to retire? If so, will he please state if departmental action will be taken before he retires?

The Hon'ble Mr. SYED NAUSHER ALI: Well, Sir, I do not know if the officer is due to retire shortly.

Dr. NALINAKSHA SANYAL: In that case, may I know, Sir, when he is due to retire?

The Hon'ble Mr. SYED NAUSHER ALI. I require notice, Sir.

Sale of tauzis in Bakarganj Collectorate in 1937.

***3. Mr. SADARUDDIN AHMED:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many *tauzis* including the *khas mahal* estates have been sold in revenue sales in the Bakarganj Collectorate during the year 1937?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): 252.

Mr. SADARUDDIN AHMED: Will the Hon'ble Minister be pleased to state the number of estates that have been put up for sale in Bakarganj during 1937?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The number of *khas mahal* tenures advertised for sale during this period was 1,742.

Dismissal of certain Hindu officers in the Agriculture Department.

***4. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that several Hindu officers of the Agriculture Department, who had put in fairly long years of service, have been, during the recent months, either dismissed or reverted back to lower grades of service?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the names of such officers and the circumstances in which each of them was so treated?

(*c*) Is it a fact that a comparatively junior European officer has been brought down from Burma and appointed as Assistant Director of Agriculture, superseding the claims of an Indian officer of the department?

(*d*) What are the considerations kept in view by Government in appointing new men and in granting promotions in the department?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Three Hindu officers have recently been dismissed. None have been degraded.

(*b*) (1) Babu Paresh Nath Chakrabarty, Field Assistant to the Economic Botanist, Bengal—for attempt to defraud Government by submitting a false account and for temporary misappropriation of Government money.

(2) Babu Monoranjan Moulik, Fieldman to the Economic Botanist—for abetment of Babu Paresh Nath Chakrabarty in temporary misappropriation of Government money by submitting false account.

(3) Babu Satish Chandra Bhattacharjee, Head Clerk of the Second Economic Botanist—for tampering with official records.

(*c*) No. The European officer recently selected for appointment as Deputy Director of Agriculture on transfer from Burma, has put in about 15 years' service in the Indian Agricultural Service and was already employed as a Deputy Director of Agriculture in Burma.

(*d*) The main consideration in appointing new men or in granting promotions is efficiency. While it is desirable to reward efficient officers by promotion to higher posts, it is at the same time considered necessary to make direct recruitments at a reasonably high stage so as to secure men of higher technical qualifications with more energy and power of initiative than men of advanced age promoted from lower services generally have.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, with reference to answer (*a*), whether the following officers:—

Messrs. Sharangapani, Dwijadas Dutta, P. C. Chowdhury and Sujyoti Nath Chatterjee who have for a long time been officiating in higher posts, have been reverted to the other posts?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice, Sir.

Dr. NALINAKSHA SANYAL: With reference to answers (*b*) and (*c*), will the Hon'ble Minister be pleased to state whether the cases of Mr. Paresh Nath Chakravarty and Mr. Monoranjan Moulik had been thoroughly enquired into by the superior officers concerned, and that they were found not guilty, and the Director of Agriculture got one Mr. Malik an officer from another department in their places to enquire into the position and to report just as he (the Director) liked?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I do not know, Sir.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if any criminal action has been taken against the officers who have been found misappropriating Government money?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: So far as I know, No.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if the Government contemplate any criminal action against these officers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dr. NALINAKSHA SANYAL: With regard to Babu Satish Chandra Bhattacharjee (3), will the Hon'ble Minister be pleased to state whether Mr. Christie, the Deputy Commissioner of the Chittagong Hill Tracts, who enquired into this case, declared that it was a pure case of conspiracy against him by certain people, I believe, high above him, and that there was no evidence against him?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as I am aware, Sir, it is not correct; but departmental reports are confidential.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether any Indian officer was available with the same qualifications?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Dr. NALINAKSHA SANYAL: With regard to Satish Chandra Bhattacharjee, is the Hon'ble Minister aware that there was another officer named Mr. H. Mazumdar, who was also similarly charged on the evidence or complaint of one discharged Muhammadan officer who was a fieldman under him?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether this Mr. Mazumdar who was for some time suspended by Government and who was employed by the Indian Central Cotton Committee, was ultimately found by that Committee to be not guilty?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of it, Sir, but I will enquire into the matter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether, in view of the fact that Mr. H. Mazumdar

whose case was hanging along with that of Satish Chandra Bhattacharjee has been exonerated by the Indian Central Cotton Committee, his case (the case of Satish Chandra Bhattacharjee) will be looked into again?

Mr. SPEAKER: It is an argument, Dr. Sanyal.

Dr. NALINAKSHA SANYAL: All right, Sir. With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether the employment of this European officer will mean the automatic blocking of Mr. P. C. Chowdhury, the only I.A.S. officer in this department?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if the records of this officer were made public? If not, how could Dr. Sanyal come to know all these things?

The Hon'ble Nawab Khawaja HABIBULLAH Bahadur, of Dacca: Well, Sir, I do not know how Dr. Sanyal came by all this information.

Dr. NALINAKSHA SANYAL: (Put your question to me and I will give you the reply.)

Dr. NALINAKSHA SANYAL: With reference to answer (*d*), will the Hon'ble Minister be pleased to state if he is aware that Mr. S. L. Sen Gupta, who is not even a graduate——

Mr. SPEAKER: Dr. Sanyal, have some pity upon the shorthand writers. You are speaking at such a fast rate that it is difficult for them to take you down——

Dr. NALINAKSHA SANYAL: Thank you, Sir. I hope you will treat it as a question carried on.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that one Mr. S. L. Sen Gupta who is not even a graduate has been appointed to a superior post without any qualification whatsoever?

Mr. SPEAKER: To which item your question relates?

Dr. NALINAKSHA SANYAL: It is with regard to answer (*d*).

Mr. SPEAKER: I think, that cannot arise, because that would be too far-fetched.

Dr. NALINAKSHA SANYAL: If you permit me I would put the words for "flattery" and "corruption".

Mr. SPEAKER: I cannot permit you to do that.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware, Sir.

Dr. NALINAKSHA SANYAL: Is it a fact that one Rehanuddin Ahmed, a discharged fieldman, was given a temporary job in the office of the Director of Agriculture, Dacca, temporarily between July and August 1937, and that he was the officer who complained against Mr. H. N. Majumdar and Mr. Satish Bhattacharyya?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Allowance of detenu Birendra Nath Das Gupta.

***5. Mr. J. N. GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether he is aware that detenu Birendra Nath Das Gupta is interned in the district of Mymensingh and is allowed Rs. 15 as allowance?

(*b*) If so, did the Government take into consideration the standard of living of Birendra Nath Das Gupta before fixing the rate?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): The hon'ble member appears to have been misinformed. The allowance sanctioned in this case is not Rs. 15.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what is the monthly allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: Rs. 25.

Mr. J. N. GUPTA: Is it not a fact that the sum of Rs. 25 is not adequate in consideration of his family circumstances?

Mr. SPEAKER: That is a question of opinion.

UNSTARRED QUESTION

(to which answers were laid on the table)

Construction of separate building for Bengal Legislative Council.

1. Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state—

(*a*) whether Government propose to sanction the construction of separate buildings for the meetings of and the location of the offices of the Bengal Legislative Council;

(*b*) whether they are aware that such arrangements would entail additional expenses and consequent burden on the tax-payers of the country;

(*c*) the circumstances under which such expenditure is sought to be incurred;

(*d*) whether Government propose to consult the Bengal Legislative Assembly on the matter before sanction is given; and

(*e*) whether the vote of the Assembly will be taken separately on the budget provision for this expenditure?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes; a separate building is proposed.

(*b*) They are aware that it will entail additional expense.

(*c*) For the convenience of both Houses of the Legislature, and their staffs.

(*d*) and (*e*) Provision will be included in the budget in the usual manner.

Khan Bahadur MOHAMMED ALI: What is the amount sanctioned for the purpose?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe the Hon'ble member is referring to (*d*). I would request him to wait till the budget is presented as I cannot reveal the secrets of the budget now.

Mr. SANTOSH KUMAR BASU: With regard to the plan of the proposed building, is the Hon'ble Minister in a position to say whether the proposed site will interfere in any way with the amenities of the High Court?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member may rest assured that the plan will be sanctioned only if it does not interfere with the amenities of the High Court.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether the construction of a new building for the Legislative Council will be a huge waste of public money?

Mr. SPEAKER: That is a question of opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether this action was taken at the suggestion or request of the Council?

The Hon'ble Khwaja Sir NAZIMUDDIN: What action?

Dr. NALINAKSHA SANYAL: The proposal for a separate building.

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly the members of the Bengal Legislative Council have more than once drawn the attention of the Government to the inconvenience caused by the lack of a suitable separate building for themselves.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when and how this opinion of the members of the Bengal Legislative Council was communicated to Government and in what form the motion took place?

The Hon'ble Khwaja Sir NAZMUDDIN: The attention of the Hon'ble President was drawn by the members of the Council to the inconvenience caused for not having a separate building of their own.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether a substantial section, if not, a majority of the Bengal Legislative Council, do not want a separate building?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think I can safely contradict that statement.

Adjournment motion.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I beg to inform you that I have given notice of a motion that the business of the Assembly be adjourned——

Mr. SPEAKER: The adjournment motion of which you have given notice to discuss a definite matter of public importance on account of the situation arising out of the recent refusal of Government to accord

sanction to an electrical scheme of the Corporation of Calcutta communicated in their letter of the 28th January 1938. I want to see whether it is in order or not. Mr. Hashemy, how is it a matter of urgent public importance?

Mr. SYED JALALUDDIN HASHEMY: If we do not take up this matter and discuss it now, it will be difficult to do so later on as the lease expires in October 1938 and our terms of contract and the tender we have called expire on the 3rd March next. If it fails, it will take another ten years to give notice to that company, but we, the members of the Corporation, want to give notice this year.

The Hon'ble Mr. H. S. SUHRAWARDY: Government have refused sanction and the question does not arise as to whether this tender expires in March 1938 or whether the option expires in October 1938. The matter is at an end now.

Mr. SPEAKER: The point which Mr. Hashemy wants to raise is whether the matter of refusal is one of urgent public importance.

The Hon'ble Mr. H. S. SUHRAWARDY: The refusal having been communicated to the Calcutta Corporation, the matter is closed now and there is no urgency at all. I wish to add however that this matter can be ventilated in this House when the budget will be discussed.

Mr. SANTOSH KUMAR BASU: May I just point out to you in reply to what has fallen from the Hon'ble Minister of Commerce and Labour that the fact that Government have refused sanction to the Corporation to acquire the electrical undertaking on the expiry of its present lease is certainly a matter which can be agitated in this House and the House is not prepared to take it that even if the adjournment motion is carried Government will not reconsider their position and accord sanction before the lease expires. From that point of view it is not only a matter of urgent public importance but a very urgent matter of public importance.

Mr. SPEAKER: Now that this matter has been discussed the only question which I am now called upon to decide is whether this is a matter of urgent public importance. The whole situation arises out of the refusal of Government. What course the House would take on that refusal is not for me to decide. But surely this is a matter which is one of definite public importance and it is also urgent in view of the fact that the lease is to expire very soon. In view of that I give my consent to the matter being brought provided the requisite number of members take their stand in giving their consent. The motion

that the business of the House be adjourned to discuss a matter of urgent public importance, viz., the situation arising in consequence of the recent refusal of Government to accord sanction to the proposed electrical scheme of the Calcutta Corporation, is therefore in order. I would now put the motion to the House for leave being given by this Assembly for its discussion.

Mr. C. MILLER: On behalf of the European group I object to the motion being discussed.

Mr. SPEAKER: Those who are in favour of the adjournment motion may rise in their seats.

(More than 50 members rose in their seats in support of the adjournment motion being discussed.)

Mr. SPEAKER: As more than 50 members have given their assent, the honourable member has the leave of the Assembly to move his motion. It would be convenient however if the matter is taken up to-morrow because we would adjourn very soon.

Dr. NALINAKSHA SANYAL: If there is another adjournment motion on another subject brought up to-morrow——

Mr. SPEAKER: I cannot anticipate what Dr. Sanyal has in the back of his mind.

Mr. TULSI CHANDRA GOSWAMI: Mr. Speaker, Sir, I am not sure if I am in order in drawing your attention to another adjournment motion.

Mr. SPEAKER: I am afraid you are not.

Mr. TULSI CHANDRA GOSWAMI: But do you think, Sir, you could give me time later?

Mr. SPEAKER: You can certainly renew it at any time you choose, but I will have to decide it on its merits.

Mr. Bose, is there any objection to the motion being taken up to-morrow? I may just point out that Mr. Hashemy has taken this House by surprise, and it is not fair to the Government, because he gave notice of this motion for to-morrow, and it is only 15 minutes before the Assembly sat that he gave notice of the matter being taken up to-day. That being the case I feel that it will not be right on my part to fix it on the agenda of to-day.

Mr. SARAT CHANDRA BOSE: I would not like to inconvenience the Hon'ble Minister if he feels difficulty.

Mr. SPEAKER: That is my impression. The original notice was for to-morrow. Mr. Hashemy changed it only just 15 minutes ago for to-day, and as such it will not be right if I take it up to-day.

Mr. SARAT CHANDRA BOSE: May I say, Sir, that if the Hon'ble Minister would prefer having it to-morrow I should have no objection.

The Hon'ble Mr. H. S. SUHRAWARDY: I should like to have it to-morrow. If it is taken up to-day I can only reply from memory.

Mr. SPEAKER: The matter will be taken up to-morrow at 6 p.m.

Detention of an M.L.A. under executive order.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I at this stage rise on a point of privilege? We find from amongst us one important member so far as we are concerned is absent. We understand that he has been prevented from attending this House in spite of your summons, I mean the summons of His Excellency the Governor, due to certain executive order which has rendered his attendance impossible. This is Mr. Niharendu Dutta Mazumdar. I submit, Sir, it is up to you to create history. It is recognized in all progressive Parliaments that members of the legislature for some frivolous grounds can never be prevented from attending meetings of the Legislature. I submit that you kindly get the proper explanation from the Government in this regard, and if you are satisfied that he is detained without any justification, you kindly issue instructions that either this House do adjourn till the member attends or that the Government do produce him and bring Comrade Mazumdar amongst us.

Mr. SPEAKER: I am not aware of the fact, but I will look into the matter. You see me in my Chamber to-morrow morning, and in the meantime I will make an enquiry and ascertain the facts about the case.

Rules of Business.

Mr. DEPUTY SPEAKER: I beg to present the interim report of the Committee to draft Rules of Business.

Mr. SPEAKER: The report has been circulated, and it is the wish of the Committee that some more time should be given to the Committee. Is it the pleasure of the House that time may be extended? With the leave of the House time is extended. I will fix the time later on.

GOVERNMENT BUSINESS.

Financial Business.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to lay on the table the supplementary schedule of expenditure for 1937-38 authenticated by the Governor under Section 81 read with Sub-section (*1*) of Section 80 of the Government of India Act, 1935.

Sir, under Section 81 of the Government of India Act, 1935, I beg to present a Supplementary statement showing the estimated amount of expenditure that will be necessary for the current year. The total amount of such anticipated expenditure for the year is Rs. 3,42,000 of which Rs. 98,000 is voted and Rs. 2,44,000 is charged. The total grant for appropriations is revised under 8 major heads. The reasons for such anticipated expenditure under the various heads which could not be foreseen at the time of the preparation of the Budget are given in the Statement for the information of the Members, and the Hon'ble Ministers in charge of respective departments will further explain the position in respect of each head of expenditure when they will make their demands. At this stage, Sir, I do not want to take up the time of the House. I present the Supplementary estimate of expenditure for the year 1937-38.

Dr. NALINAKSHA SANYAL: Is it presented by the command of His Excellency?

The Hon'ble Mr. NALINI RANJAN SARKER: It is not necessary for me at this stage to say "it is by the command of His Excellency". It is when the Hon'ble Ministers make their respective demands that they say "by the command of His Excellency".

Sir, I beg to lay before the Assembly the agreement which has been entered into by the Government of Bengal with the Reserve Bank of India under Section 21(*4*) of the Reserve Bank of India Act, 1934, on the twenty-fifth day of August, 1937.

Mr. SPEAKER: I will just enquire of Mr. Bose and also the leader of the House whether it is the desire of the House that after the party, which will last till about 6 o'clock, it should be desirable to meet to-day, or to adjourn till to-morrow.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, I think it is the general sense on this side of the House that the rest of the business after your reception and party may be adjourned till to-morrow or some other day convenient.

Maulvi ABDUL BARI: Sir, I want to draw your kind attention to some inconvenience that will be caused to members on this side.

Mr. SPEAKER: I think you had better mention it in my Chamber.

I adjourn the House till 4-45 p.m.

(Adjournment.)

The House was then adjourned till 4-45 p.m., on Tuesday, the 8th February 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 8th February, 1938, at 4-45 p.m.

Present:

Mr Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 206 members.

STARRED QUESTIONS

(to which oral answers were given)

The estate of Hajee Chowdhury Md. Ismail Khan.

*6. **Mr. SADARUDDIN AHMED:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) when the estate of Hajee Chowdhury Md. Ismail Khan has been placed under the Court of Wards;

(*b*) the number of officers including *tahsildars* and their *moharrirs* serving there; and

(*c*) the number of them that are Muhammadans?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The estate was taken charge of by the Court of Wards in 1925.

(*b*) and (*c*) The estate is grouped with other estates and the officers, including *tahsildars* and *moharrirs*, are retained for the work of the entire group of estates—the cost being borne proportionately by each estate. No separate staff is maintained for the estate of Hajee Chowdhury Md. Ismail Khan. There are 30 officers, including one Manager and one Circle Officer and 4 of them are Muhammadans.

Khan Bahadur Maulvi HASHEM ALI KHAN: What are the other estates in this group?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Khan Sahib Maulvi SYED MD. AFZAL: What are the four Muhammadans? Are they peons?

The Hon'ble Sir BIJOY PRASAD SINGH ROY? So far as the first part of the question is concerned I ask for notice. Chaprasis are not within the category of officers.

Khan Bahadur Maulvi HASHEM ALI KHAN: When were the other estates taken charge of by the Court of Wards?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. RASIK LAL BISWAS: How many of the officers belong to the scheduled castes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state for our information what is the utility of this question so far as the public are concerned?

Mr. SPEAKER: That is not for the Hon'ble Minister to answer.

Debt Settlement Boards in Chittagong.

*7. **Al-Haj Maulana Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state, thana by thana, how many Debt Settlement Boards have been established in the district of Chittagong?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): A statement is placed on the table.

Statement referred to in the reply to the starred question No. 7.

Police-stations.	Ordinary Board.	Special Board.
Double Moorings	1	
Sitakund	4	
Mirsarai	3	
Panchalais	1	1 (Kotwali police-station also included).
Hathazari	3	
Fatikcheri	4	
Raojan	3	
Rangania	5	
Boalkhali	1	
Patiya	5	1
Anwara	2	
Satkania	5	
Banshkhali	3	1
	40	3

Al-Haj Maulana Dr. SANAULLAH: Why is it that the Cox's Bazar subdivision has been left out altogether?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Because there was no proposal received from the local officers.

Al-Haj Maulana Dr. SANAULLAH: Does the Hon'ble Minister propose to establish ordinary more boards in the district of Chittagong?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As soon as we receive proposals we will certainly consider the question of establishing such boards.

Enquiry as to the fate of a question.

Khan Bahadur SYED ABDUL HAFEEZ: May I ask what has happened to my question about the appointment of Mr. Shahabuddin?

Mr. SPEAKER: I am not prepared on general principle to answer what has been the fate of each and every question because it will mean a mere waste of the time of the House. If any honourable member however wants to know what has been the fate of his question, he may either enquire from Secretary or from me when I am in my chamber.

Adjournment motion.

Mr. TULSI CHANDRA GOSWAMI: I sent intimation to you, Sir, of my intention to move an adjournment of the House on a definite matter of urgent public importance, viz., the death of Harendra Nath Munshi, lately a prisoner in the Dacca Central Jail who had resorted to hunger-strike. I had your consent to move the motion. Yesterday I did not move it because there was another motion which had priority over mine. Have I your permission, Sir, to move an adjournment of the House either to-day or to-morrow so that we might discuss the matter.

Mr. DHIRENDRA NATH DATTA: I want also to move an adjournment of the House on a matter of urgent public importance, viz., the arrest of Mr. Niharendu Dutta Mazumdar, a member of this Assembly, and some others on their arrival at Comilla on the 2nd April last.

Mr. SPEAKER: My difficulty is that under the rule, as it stands, only one adjournment motion can be taken on a day. The urgency of

the matter passes away when there are so many adjournment motions. The gentleman who is fortunate enough to rise before others and to catch my eye, has got his first chance, and the others will be practically knocked out for the time being. I propose however to take up all the adjournment motions to-morrow and if I find that it is possible under the rules or the conventions to permit such of them as are really urgent to be discussed I shall allow it; if the urgency of the matter however is such that one or two days' delay would not affect the situation, I shall also consider that point to-morrow but not to-day.

The Hon'ble Khwaja Sir NAZIMUDDIN: There are other motions also of which notice has been given but which have so far not been moved.

Mr. SPEAKER: If they are not moved, they would lapse.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is what we should like to know. Some sort of arrangement should be arrived at by which we should know definitely when there are three or four adjournment motions. Which of the motions will be given precedence? In that case Government get some advantage of the notice which has been given, otherwise it gives us no opportunity whatsoever to be ready with anything. I should specially like to draw the attention of the House to the notice of the adjournment motion which we received three days ago, I believe, from Mr. Shamsuddin about the privileges of certain members of the Legislative Assembly, but that has not yet been moved.

Mr. SPEAKER: As the rule stands at present, only one motion can be discussed in a day's sitting. Those gentlemen who have got my consent can raise the issue to-morrow, and if I find that the urgency still remains and that there is no bar to the motions being moved, I shall certainly admit that one which first came to my notice. Unfortunately as the rule stands at present, it is not possible for me to make the Government know in any manner in advance as to what the exact position will be.

The Hon'ble Khwaja Sir NAZIMUDDIN: As the rule stands at present, members have got to make a rush to you and whoever gets the first chance will be fortunate enough to get his motion admitted. I submit it will not be the correct procedure in all cases.

Mr. SPEAKER: So far as to-morrow is concerned, as there are a number of adjournment motions I will take up that adjournment motion first, of which I got notice first. The question of urgency will however be considered in every case and that which came first to my notice will be first taken into consideration.

NON-OFFICIAL BUSINESS

RESOLUTIONS

(on matters of General Public Interest)

Maulvi ABDUL BARI: Sir, I beg to move that this Assembly is of opinion that a Committee consisting of not more than nine members, both officials and non-officials, of whom 5 at least should be members of this Assembly, be immediately constituted to enquire into the existing rent, with a view to devise ways and means for the proper reduction of rent, the Committee to submit its report in course of 6 months.

Sir, in moving this resolution I do not think it will be very much necessary for me to go into the details of the urgency of this question. The cry for reduction of rent has been rending the canopy of the sky for the last few years. Sir, this agitation is not the agitation of a demagogue, or of a politician who wants to catch the opportunity of the moment; it is not an agitation of a chimerical nature; it is not also the agitation of one who wants to distract or destroy the constitution itself; but it is a wail which rises up from the core of the heart of the man who feels for it. Sir, the peasants of Bengal have been so very hard hit that their cry is "take off; take off; my shoulder cannot bear the burden any longer". That has been the cry of the Bengal peasants all these years. Sir, if we just consider the question at a great detail, we find that it is not only the question of excessive rent, but also there are other questions involved in it, namely, high taxation, excessive rent, non-productivity of the land and things of that nature. It is not necessary for me at this stage to go into the question of heavy taxation and other details. I will only confine myself to the question of reduction of rent, whether it is necessary, whether it is feasible, whether it is practicable or not. In going into that question I think it will also be necessary to know that it has always been said that a contented and happy peasantry is a country's pride in fact, and it cannot be denied that the peasantry is the backbone of a country. Break this backbone, and the whole fabric of human society will fall through, shattered and crumbled to pieces. Now the backbone of the Bengal peasant has already been broken, still the shaky pillar has been bearing the burden with much difficulty. It is for the Members of this House, it is for the Members of this Legislature to visualise a day which perhaps is not very far off when there might be a mass revolution which will entail great changes, which will bring down not only the zamindaries, not only the vested interests, but the Government itself. Such a day is not very late in coming. It is the duty of the statesmen, it is the duty of the politicians to look ahead, to look searchingly, because it is

the fools only who would not look beyond their own shadows. Therefore, Sir, I would submit that the Members of this House should not take this question on the ground of sentimentality, or as an erratic demand, but if the Members feel that it is necessary, they must resolve and resolve stoutly, because the resolution itself will deliver the goods. Now, Sir, what are the circumstances which have brought about the present condition? Sir, as I have told you already there are these grounds, namely, high taxation and excessive rent, and moreover added to that, Sir, there is the non-productivity of the land and unsympathetic attitude both of the provincial as well as of the Central Government towards the industrial development of the country as a whole. Though I told you that it is not necessary to go into the question of taxation, still I will have to say a word about it, only because taxation after all touches the land. Of course in dealing with the question of this taxation, naturally one has got to deal with the question of the Permanent Settlement though that is not the theme for us at present. Of course, the Act that was thought necessary in the year 1793 is no longer necessary. The everchanging circumstances of the country do not require that an everchanging law should remain any longer. It is necessary no doubt, Sir, that the Government wants money, that the revenue of the Government has got to be increased, and to increase the revenue Government has got to take recourse to further taxation and so on and so forth. Of course, that question will come up later on. But what is the present state? I ask you to imagine, Sir, the present state of the Bengal peasant. It can be quoted in one sentence only. It is like this: the Bengal peasant just rises from his sleep and wears a *gamcha* taxed 5 per cent.; then he strikes a matchbox taxed 10 per cent.; then he takes a *chillim* taxed 20 per cent.; then, Sir, he goes to the plough, taxed 11 per cent., and with that he goes down to the field wherein he is pursued and followed by the black chowkidar and red-turbanned barkandaj till he is pursued to death where he is laid down with a piece of cloth taxed 11 per cent. That is, Sir, the situation of the Bengal peasant, and it is not only for the excessive rent, but also for the fact that there has been this heavy taxation, and in order to do away with that, the Permanent Settlement must go. But as I told you that is not my present theme.

Now, Sir, coming to the question of reduction of rent, so far as the land is concerned, the land no doubt is the monopoly of the man who cultivates it. For it was said by Adam, "Go down to earth and earn your living by the sweat of your brow"; but what do we find in Bengal? In Bengal we find that land has been the legalized monopoly of the Zamindar. The Zamindar makes an income from the land which can very well be said to be the unearned income of the Zamindar. The Zamindar has got to pay only a fixed amount to the Government in order to benefit the community whereas the Zamindar realises 7, 8 or 9 times

more from his tenants. Not only that, but the Bengal Tenancy Act itself has given the Zemindar a long rope by which he can increase the tenant's rent by leaps and bounds without any check, restraint or hindrance whatsoever.

Now, Sir, it may be said that what is the present rental that Zemindars realise from the tenants, and what is the revenue paid by the Zemindar to the Government. And in order to satisfy this House, and in order to satisfy the Hon'ble Minister in charge of the Department of Revenue, I will quote some figures, figures which will show that they are staggering, and that will make every man, every sensible man reel. Now, Sir, these are the figures. I will give you the figures, Sir, regarding every different divisions—Presidency, Chittagong, Burdwan, then Dacca and all other Divisions to show what Revenue the zemindars pay to the Government per bigha, and what rent the Zemindar collects from the tenant per bigha, and these are the figures which I want to place before the House for the information of the House, because it may be said later on by the Hon'ble Minister that the rental in Bengal is not so very high. But, Sir, apart from the question of Eastern Bengal, the rent in Western Bengal, particularly, in the Presidency Division and the Burdwan Division, has been so high that it is practically impossible for the tenants to bear the burden any longer. Having regard to the fact that productivity of the land of these two Divisions, namely, Presidency Division and Burdwan Division, has been very low for the last few years. These figures will show that in Burdwan Division the Government rent per bigha paid by the Zemindars is 4 as. 10 p. The gross rent per bigha collected by the Zemindar from the tenant is Re. 1-6-9. In the Presidency Division the Government rent per bigha is 3 as. 5 p. and the rent collected by the Zemindar from the tenant in the Presidency Division is 15 as. 9 p. This is the average. In Dacca the rent paid by the Zemindar to the Government is 2 as. 6 p. and the rent collected by the Zemindar is Re. 1-1. In Chittagong it is 5 as. 3 p. paid by the Zemindar to the Government, and Re. 1-7 in average collected by the Zemindar. In Rajshahi it is 2 as. 5 p. paid by the Zemindar to the Collector, and 11 as. 4 p. realised by the Zemindar from the tenant. This is what I have said regarding the rental per bigha. If you look to the gross rental per head in Bengal, it is Rs. 3-0-3. The gross rental per head of cultivators is Rs. 4-7-4. The net rental to the Zemindar per head is Rs. 3-6. These are the figures. Now it may very well be questioned by the Hon'ble Minister in charge of the Revenue, what are the figures for? where did you get them from? and what are the data? And if questions like that arise I would refer the Hon'ble the Revenue Minister to the Land Revenue Report of the year 1928-29. Of course, that was the circumstance in that year. Thereafter the rent has further gone high. Because you know, Sir, that even after there has been an enhancement.

Enchancement is not only enhancement under section 30 (*b*) and section 29, but there has also been enhancement under section 52. Therefore, the figure that I have given is the moderate figure and thereafter also the rental has gone further high up. Now, Sir, if you will kindly look to the circumstances that were prevalent at the time of the introduction of the Permanent Settlement, you will find that at that time there was nothing like a Zemindar. At that time there were only the rent collectors and the rent was collected on the basis of the production of the land. There was nothing like a fixed rental; there was nothing like enhancement, and things like that. In course of time that system of Permanent Settlement has been instrumental in bringing about this cruel expropriation of the tenant with increased pressure on the soil. This is, Sir, nothing but cruelty, injustice and oppression. It has been successful only in establishing a legalized class-robbery, because the Zemindars are not entitled to realise seven or eight times more than what they have been paying to Government. What was fixed at the time the Permanent Settlement came into operation it was settled that the Zemindar will be entitled to realise only 25 per cent. more than he pays. Now it is not 25 per cent, Sir. But it is 500 or 600 or even 700 per cent. that the Zemindars have been realising from the tenant. Sir, if you look into facts and figures of those who are making money just as drones and those who are giving just as bees do, you will also find the figures staggering. So far as the Zemindars are concerned, including others—Tahsildars, Naibs, the Barkandazes and all other parasites of that kind—their figure is 1,441,002, whereas the actual cultivator from whom the rent is collected numbers 35,022,056. These are the actual tillers of the soil who have got to pay so much. This shows that what a negligibly small number of people are making an income by putting a larger number of people to serious inconveniences and difficulties. This state of things, Sir, ought not to be allowed to continue for a longer time.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I would just like to interrupt the hon'ble member at this stage. What is he driving at? Does he want the Committee to go into the question of Permanent Settlement or into the high rate of rent? What is the object of this Committee, because the wording of the resolution is entirely different from what he is trying to make out.

Maulvi ABDUL BARI: The Hon'ble Minister must have been aware from the wording of the resolution that I am driving not towards the question of high rental but only towards the question of the reduction of the rent. It is not my purpose to go into the question of permanent settlement, but in order to justify my case, and in order to put my case before the House for its acceptance, I am only stating how things have

come to pass from that date of 1793 up to the present day. Without giving a history, a proper history, it may not be possible even for the Hon'ble Minister to appreciate my point. That is the reason why I was giving a history. It is my duty to give a history as far as I can. Now, Sir, what is the amount that the Zemindar pays to the Government. This amount is Rs. 29,106,373, and the rent that is collected by the Zemindar from the tenant is Rs. 14,41,13,282.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: What does the hon'ble member mean by "Zemindar"?

Maulvi ABDUL BARI: So far as these figures are concerned, namely, the figures that I have given, it relates only to those gentlemen who pay revenues to Government, I mean the big estates. Of course, within this I do not include the intermediaries, namely, the tenure-holders, the Burkandazes, the occupancy-holding rayats, and all others. There is a lot of distinction among the many. I do not mean those who pay revenue to the State, but I will mean also those who realise rent from the actual tillers of the soil and that will include also the occupancy-holding rayats that will include the tenure-holders, but the figure that I have given is the figure of those, who pay direct revenues to the Government. That is the figure. That figure does not include the rental of all those persons who realise rent from the actual tillers of the soil. I think I am clear so far as this point is concerned.

Then, Sir, of course, with regard to the system of fixation of revenue there might be much discussion—whether it shall be on produce basis or whether it shall be a money-rent, and things like that. That is a big question no doubt, and I am not going to tread on that path. But I may also inform the Government as to what was the state of circumstances previous to the introduction of this system under the aegis of the British Government. Just look into the case of the Hindu period or into the case of the Moghul period. The rent that was realised from the tenants at that time was on a produce basis, and gentlemen who are acquainted with the history know full well that even Todar Mal, the great Minister of the Great Moghal, held that the tenants would have to pay only 1/10th of the produce of the land. The land, at that time, was very fertile. So far as the productivity of land is concerned, it has gone down now. Now, Sir, one bigha of land of the Presidency Division on an average does not yield more than Rs. 12 per year. From that you will have to exclude the cost of cultivation. The cost of cultivation, as we have found from experience, is not less than Rs. 8. So, we are left only with Rs. 4, and from that Rs. 4 we have to pay rent of Re. 1-8. So, we are left with Rs. 2-8, and add to that drought, famine, and similar other natural

phenomena. If you take these things into consideration, you will find that the Bengal peasant is not left with a single pie after paying the zemindary rent and meeting the expenses of cultivation. So, I beg to submit that, in these circumstances, it is not possible for the Bengal peasant to pay the high rent that he has been paying any longer.

Now, Sir, it may be argued how is it possible to reduce the rent under the present circumstances, because there are so many infeudations, so many intermediaries, coming in between the landlord and the peasant? Of course, I do not say that the question is absolutely free from difficulty. Difficulties are there, but the difficulties must be faced, and faced boldly, without shirking them for a moment.

Now, as regards the manner in which the question of reduction of rent can be tackled I may only suggest that it will be for the Committee that will be constituted to go into that question and for the information of that Committee I may only say that the committee may take up a certain basis and proceed on that basis, e.g., the highest, maximum rent of an estate must not exceed 12 annas per bigha or that it must not go down to less than 8 as. per bigha Apart from that, the matter can also be dealt with in this way. The rental can be taken at the figure as it existed at the pre-settlement period, or a particular year, such as 1911, may be taken. On that basis the question of reduction of rent can be solved and can be solved within a very short time without putting it off for a great many years.

Apart from that, there is, of course, another provision in the Bengal Tenancy Act, namely, section 112. Section 112 gives some authority to the Revenue Officer to reduce the rent where the Revenue Officer thinks that the rent has been excessive or oppressive. Of course, it will be for the committee to find other means, other ways, and other methods, but I am making these suggestions only for the information of the committee. So, now, it ought not to be said by the Hon'ble Minister in charge that this is absolutely impossible for the Government to take up this question immediately.

Now, Sir, it may further be argued whether reduction of rent by itself can bring about the salvation of the Bengal peasant. I submit that it will not, but it will, to some extent, lessen the burden, because by reducing the rent by 4 as. in the rupee, certainly the heavens will not come down into the hands of the Bengal peasant, but, Sir, to them some relief will be given. We can take off the burden of taxation which is pressing so heavily on them later on. We can take some measures to increase the fertility of the soil; we can also hold up before them better marketing, better prices and better prospects for the land and better produce. So, in this way, I think, some relief can be given to the peasants of this province.

Sir, it is a matter of great regret that the Bengal peasants—the people who are the real producers of all the wealth of the country, the people who are really the suppliers of the world market—cannot even give a morsel of food to their children; they cannot give even a piece of cloth to hide the naked shame of their wives and sisters. What we find is that they work throughout the day and throughout the night and expose themselves to the scorching heat of the summer sun and to the chill of the winter for sowing their land. They dip themselves in polluted water for the purpose of retting jute. Still you cannot see cheers and smiles in the faces of their children. Of course, this has been the demand of the Bengal peasant—the rent ought to go down, and in response to that demand I have brought forward this resolution for the acceptance of this House.

Sir, with these few words I commend this resolution to my colleagues.

Mr. RASIK LAL BISWAS: Sir, I beg to move by way of amendment to Resolution No. 1 as substituted by corrigenda, dated the 28th January 1938, that for the words "into the existing rent with a view to devise ways and means for the proper reduction of rent" in lines 4 and 5, the following be substituted, namely:—

"Whether the rents now paid by different classes of tenants including the tenants in *Chandina* lands, in non-municipal areas, are oppressive or not and also to fix what should be the proper rent of different classes of lands in consideration of revenue, fertility, production cost and other circumstances necessary for the purpose."

Sir, it cannot be denied that the tenants of this province have to pay heavy rent, and most of them are groaning under the burden of excessive rent. It will be sufficient for our purpose, if only the point is considered that the Zemindars of this province have to pay a revenue of 2 crores and 25 lakhs of rupees, and that the Khas Mahal tenants have to pay a revenue of only 87 lakhs. The fisheries also yield an annual revenue of Rs. 5,000. Now, for this 3 crores and 17 lakhs of revenue, which are realized from the Zamindars, etc., the tenants have got to pay Rs. 7 crores as rent, an additional 7 crores as *abwabs*, *tahurinama*, etc. That also have now become part of rent. Besides, the tenants have to pay cesses and a very large amount of chaukidari taxes and union board taxes. Further, education cess is going to be realized from the tenants. From these facts and figures it can be realized how the peasants are situated as regards payment of rent. As I have said, Sir, they are groaning under a serious burden of taxation.

What Mr. Abdul Bari has said in this connection is quite convincing, and I think, can be accepted by the House. To make the matter more clear, I have moved my amendment. As I do not like to make anything

vague I have suggested certain directions for the Committee as to how they will come to their findings. There are various grades of rent-receivers, e.g., Zemindars, taluqdars, patnidars, jotedars, etc. It may be in some cases that the margin of profit from one grade to another is very great and there may be some sort of injustice to some grades of these rent-receivers. To avoid all these difficulties, the scope of the Committee should be more wider so that justice may be done to all classes of rent-receivers and tenants: also in the case of *Chandina* lands, there may be some difficulties and no reference has been made to this in the resolution itself. The tenants of *Chandina* lands are always put to great hardships. Their rights are covered by the Transfer of Property Act, but their landlords' rights are governed by the Bengal Tenancy Act. There has been a great anomaly in this matter, and they are always put under the mercy of the Zemindars and other rent-receivers. Whenever they like, they give a notice and take away lands from the tenants. Their hardships and difficulties are also to be examined. These difficulties may also be referred to the Committee for their consideration. To give the Committee directions as to how they will arrive at their conclusions and how they will conduct their proceedings, other items have been included; this is necessary in order to arrive at what should be the proper rent, and if the Government cannot fix what should be the proper rent, relief will not be sufficient. It is high time that a fair and equitable rent should now be fixed by Government. This matter cannot be overlooked any longer. Much harm is being done by keeping this matter unsettled; that is why Zemindars are enhancing rents almost every year by leaps and bounds. From 4 crores, it has now been increased to 17 crores. Who knows that in another 5 or 6 years, it will not be raised up to 25 crores? Though in the Bengal Tenancy Act an amendment has been made that there will be no enhancement, but who knows that after a few years a provision will not be included that there will be enhancement. In the last session, when the Budget was being discussed, the other side of the House opposed amendments moved from this side. But this time better sense prevails, and they have come forward to accept my proposal. I hope that every member from the other side will come forward and support this amendment. With these words, I commend my motion to the acceptance of the House.

Dr. NALINAKSHA SANYAL: May I move my amendment——

Mr. SPEAKER: You will have to satisfy me that your amendment is in order.

Dr. NALINAKSHA SANYAL: If you will permit me to make my position clear, I will just submit that the words that I want to

substitute in the resolution of my friend coming from the Murshidabad Sadar Muhammadan Constituency would explain what was in his mind. I have not gone anywhere beyond what he spoke just now. I have, on the one hand, taken his "rent" to mean the actual payment that has to be made by the cultivator; on the other hand, I have ruled out the possibility of giving relief to persons who are not in any way concerned directly with agricultural operations. My friend does not certainly mean that this relief which is so much needed should be given to those who are intermediaries and who have no moral right to exact anything from the tillers of the soil. That is what I want to make clear by my amendment.

Mr. SPEAKER: Don't you think it would be better to put your suggestion in the form of a speech instead of through an amendment? I think that will be more appropriate. I rule your amendment out of order. I will however give you the first opportunity to speak on this motion.

I find that Mr. Anukul Chandra Das and Mr. Abu Hossain Sarkar have given notice of two amendments and just now I have received notice of another amendment from Mr. Abdul Hakim. There is naturally no time to circulate it. The rule is that if it is not admissible and legally out of order, I can rule it out; but even if a valid amendment is given a minute or half a minute before, I have no power to rule it out. I will draw the attention of the House to Rules 97 and 98 of the Bengal Legislative Assembly Rules and Standing Orders by which when a Resolution is under discussion, any member, subject to all Rules and Orders relating to Resolution move an amendment to such Resolution. But if a copy of such amendment has not been sent to the Secretary seven days before the day fixed for the discussion, any member may object to the moving of the amendment and such objections shall prevail. So I have to put these three amendments before the House and ask its opinion. If there is any objection, they cannot be moved.

Now I put the amendment of Mr. Anukul Chandra Das before the House. Is there any objection?

Voice: Yes.

Mr. SPEAKER: I declare this out of order.

Dr. NALINAKSHA SANYAL: May I know if your interpretation of the rule is that if anybody even one out of 250 members of this House objects, then you will declare the amendment out of order?

Mr. SPEAKER: Yes, unless I exercise my power to declare it otherwise when I think it necessary.

I put now Mr. Abu Hossain Sarkar's amendment. Is there any objection to its being taken up?

Khan Bahadur MOHAMMED ALI: I object.

Mr. SPEAKER: Mr. Sarkar, can you tell us why you were late in giving notice of your amendment?

Maulvi ABU HOSSAIN SARKAR: I could not get notice in time. I left my native place some two days back.

Mr. SPEAKER: You must have got notice of the substantive resolution earlier. This is a question regarding the substantive resolution, and you must have got notice some days before.

Rai HARENDRA NATH CHAUDHURI: The corrigendum was sent a few days later.

Mr. SPEAKER: All these papers were sent two or three days after the original resolution.

Mr. M. SHAMSUDDIN AHMED: We do not know what place the resolution occupied in the list, and how it was transferred from 221 to 1.

Mr. SPEAKER: That is not your business. Maulvi Abu Hossain Sarkar, when did you receive the notice?

Maulvi ABU HOSSAIN SARKAR: This notice was sent to my native place at Gaibandha, but I was away and the notice was redirected to me.

Mr. SPEAKER: When did it reach Gaibandha?

Maulvi ABU HOSSAIN SARKAR: That date I cannot tell, Sir.

Mr. SPEAKER: I am afraid, in that case I cannot allow it.

Mr. RASIK LAL BISWAS: The corrigendum was circulated four or five days later than the original resolution.

Rai HARENDRA NATH CHAUDHURI: We received the corrigendum in the suburbs only four or five days ago and not a week before.

Mr. SPEAKER: The question does not arise in your case.

Mr. RASIK LAL BISWAS: This resolution was sent two weeks back.

Maulvi ABDUL BARI: The corrigendum was sent about 8 or 10 days ago.

Dr. NALINAKSHA SANYAL: May we submit that instead of going into the discussions, you do kindly exercise your discretion as provided in the rules?

Mr. SPEAKER: I am afraid, this session I am not going to exercise my discretion in the matter of abrogating the usual provisions of the rule unless I am satisfied that it is necessary; otherwise, there will be no end to the amount of laxity that may be required.

Dr. NALINAKSHA SANYAL: Does it apply to Government members also? We hope it does.

Mr. SPEAKER: Yes, it does.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, it is on rare occasions that I find myself in agreement with my hon'ble friend from Murshidabad (Sadar) Muhammadan Constituency, Mr. Abdul Bari. It is my pleasure to-day to accord him my wholehearted support. I would like that he should have made his position clearer, so that instead of being merely a champion for a few persons with vested interests, he could champion the cause of the real tillers of the soil. I would really like him to frame his resolution in such a manner that he might not repeat the sad story of the Bengal Tenancy Amendment, where he and his party sought to give relief merely to a handful of intermediaries who call themselves tenants, who hold the land, but who do not actually till the soil on their own account (question, question). I feel entirely at one with my friend when he says that the peasantry of Bengal to-day stand in need of substantial relief. For the last few months I have myself been touring round the villages, as my hon'ble friend also has been, I know. I have found destitute families, dilapidated houses, I have found persons emaciated through hunger and disease, I have found big farmers, who had formerly big barns, now come to ruin, I have found children without food and clothing. I have found, in one word, such devastation in the rural areas that my heart bleeds, and I am sure everyone who sees things like that would feel in the same way. I have thereafter tried to investigate the causes thereof and my analysis of the case appears to be slightly different. I have found, as my hon'ble friend did hint just slightly, that the agriculture that our people are now pursuing has ceased completely to be a remunerative occupation—

I am speaking, Sir, of Central Bengal, in particular. I found, as my hon'ble friend himself has placed before you for consideration, that the total income from a *bigha* of land to-day stood near about Rs. 12 or Rs. 13 only per year in the districts of Murshidabad, Nadia and Jessore. As against that, my figures of cost are higher than that calculated by my friend. I have taken evidence from a number of villagers; I have got some with me, but I do not want to tire the House with the details. The average that I have worked out comes to about Rs. 10 and not Rs. 8, as my hon'ble friend said. Perhaps he has not taken into account one or two items of expenditure while calculating the cost of a village cultivator. But the whole point appears to me to be the question of relief not centering so much on merely the relief of rent, but on bringing relief to the peasantry in regard to various other payments, various other burdens levied along with rent or in the name of rent, which the peasants have to bear.

In the 24-Parganas, in parts of the non-permanently settled areas, thousands of acres of land have to-day, as a result of certain most iniquitous land system, come into the hands of the landlords. These landlords to-day are not going to settle the land with the same cultivators who are still there, but they are arranging to settle them on the basis of a pernicious system of cultivation, called the *bhag* system, whereby they are getting, in lieu of rent, half share of the crop. What more iniquitous system can there be on the face of the earth I do not know. Where agriculture has ceased to be remunerative, the cultivating tenants cannot bear even the mere cost of cultivation, the owner of the land demands half of the crop, one half the entire produce. My hon'ble friend has himself pointed out that Rs. 8 becomes the cultivator's minimum cost; that to me is Rs. 10 or Rs. 11, while the production comes to only Rs. 12 to Rs. 13. A *bhagi* tenant has to give away a half of his produce, that is to say, Rs. 6 leaving him a bare margin of Rs. 6 or Rs. 7, while his cost comes up to Rs. 10! That has been the position and the owners of the land who are the tenure-holders go on merrily. They do not give any relief; they do not care to bring about any relief to the actual cultivator. If my hon'ble friend wants to support that class, who are trying to exploit the actual tillers of the soil, I do not think he would have the support of any section of this House, but I know his heart is sound, and he feels for the peasantry. I know that although my amendment could not be moved on technical grounds, he would plead with me that he wants to bring relief to the actual cultivator. I have felt that so far as the peasantry of Bengal are concerned, what is most needed is relief on various other accounts also. The rent that they pay is not the only amount that they pay to the village landlord. There is a village where I found that the owner of land, that is a tenure-holder, is exacting from the cultivator various kinds of payments, including what is called "koyali" for weighing of the crop, as a portion of the crop has to be separated and the cultivator has to pay his *bhag*.

They wanted also payments by way of dryage (*sukti*); they wanted payments also for some amount of maintenance of the collecting staff of the tenants or the landlords. I would like my friend to include in this enquiry all these legal or illegal exactions that to-day the tenure-holders as well as the landlords have been levying from the actual cultivators. Sir, all that I like to draw the attention of the House to, is that unless relief is brought forthwith and quickly you will see no peasants in Bengal. The cultivating tenants as such have practically ceased to exist. The tenants that we saw in the generations past, the tenant who actually tills the soil, the tenant who has got his land in the sense that he is born on that land, works on that land morning and evening, and who himself with his own bullocks, his own ploughs and his own machinery ploughs his own land. To-day, Sir, the system is fast changing to one of owning land and employing hired-labour. Owning the land and having it let out to *bhagidars*—as it is much easier to get something or other from whatever produce these people may obtain. That system has to be changed. If my hon'ble friend wants relief for the tenant let him direct his efforts, let him convince his party,—if there is any consolidated party at all—to direct its attention to this side of the matter. With these words, Sir, I accord my wholehearted support to the resolution, and I hope that my friend Mr. Abdul Bari will appreciate my remarks in this connection, so far as the actual tillers of the soil are concerned.

At this stage the House was adjourned for 15 minutes.

(*After adjournment.*)

Adjournment motion.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I beg to move that the business of the House do stand adjourned to discuss a definite matter of urgent public importance, viz., the situation that has arisen in consequence of the refusal of Government to accord their sanction to the proposed electrical scheme of the Corporation of Calcutta communicated in their letter No. 1444(?)Com., dated the 29th January 1938.

To-day, of all days, Mr. Speaker, Sir, I crave your indulgence to allow me to read out a set speech prepared by me because the subject which I am going to deal with is a highly technical subject, but before I propose to read out my speech I would read out the memorable letter of the Government addressed to the Chief Executive Officer of the Calcutta Corporation. I will try, if time permits, to read it and not only to read it but to scrutinise it, analyse it, scan it, and if possible, rescan it and I will prove to the entire satisfaction

of this House that this letter is absolutely an absurd letter and that this letter is absolutely an arbitrary letter. The letter runs as follows:—

With reference to your letter, dated the 17th September 1937, requesting the local Government to convey to the Corporation of Calcutta the necessary sanction to the election of the Corporation to purchase such of the undertaking—fortunately it is here written "undertaking" and not "undertakings"—as lie within the municipal limits of Calcutta, I beg to inform you that after giving the most careful consideration to the subject Government are unable to grant the necessary sanction. Government are aware that there are several legal points involved in the issue and that it is being contended that for various reasons the election of the Corporation is invalid. They have, however, thought it their duty to disregard such points and to consider the matter on its merits, I understand, or rather I can presume that Government are satisfied that there is no legal difficulty involved in it or rather Government accept that the notice served on the Calcutta Electric Supply Corporation is valid and is in order and is in accordance with law, and I also do not wish to discuss this matter. Government have taken the view that it is the duty of the Corporation to satisfy the Government that the granting of the sanction should be in the interest of the public. I request the Hon'ble Minister in charge of Commerce to explain the underlying meaning of the words "in the interest of the public." No attempts have been made by the Corporation to discharge this obligation, and Government have thus been considerably handicapped in their consideration of the matter. Sir, before I finish this letter, I cannot resist the temptation of bringing to your notice what one of the ex-Mayors of the Calcutta Corporation, now the President of the Indian National Congress, in a press statement, has said only to-day. He says, the action of the Government in refusing sanction to this city in this matter amounts to dispossessing the city of its legitimate right and is tantamount to a gross betrayal of the vital interest of its people. Mr. Speaker, Sir, you will allow me to quote one sentence of the letter written by the "Hindusthan Standard." I will be very brief and will read out only one sentence of that letter. It is the letter addressed on behalf of the Department of Commerce and Labour, Bengal, to the Corporation of Calcutta refusing sanction to their decision to purchase such of the undertakings of the Calcutta Electric Supply Corporation as lie within the municipal limits of Calcutta is nothing short of a scandal. The leading heading of the article is "a scandal". One sentence more and I finish,—In refusing sanction to the scheme sponsored by the Corporation, the Ministry are following what might be described as the dog in the manger policy. This is enough for the public opinion that we can speak here. I am sorry I was going to suggest that two of the ex-Mayors of the Corporation of Calcutta—unfortunately two of

the ex-Mayors of the Calcutta Corporation are members of the Cabinet to-day.....(a whisper—the Congress also desires to be there).....and here is another ex-Mayor in the opposition to my right, Mr. Basu, and there is another ex-Mayor of the Corporation of Calcutta..... (another whisper—what about the ex-Deputy Mayor?), I mean, Sir Harisankar Pal. There are many ex-aldermen and ex-councillors and sitting councillors in this House. I feel myself proud to declare that the sponsor of this letter, the Hon'ble Minister of Commerce to-day, was once the Deputy Mayor of the Calcutta Corporation—not a mere Deputy Mayor but a Congress Deputy Mayor.....(a whisper—what a change!). I remember those days when this Hon'ble the Commerce Minister clad in white khaddar sat on the Mayoral chair in the absence of Deshbandhu Chittaranjan Das. May I ask him and ask him in all seriousness what was his attitude, what were his views and what was his opinion expressed in public regarding this disgraceful profiteering business of the Calcutta Electric Supply Corporation? Now he has said that the Corporation has failed. Sir, I have read out that letter that no attempt has been made by the Corporation to discharge its obligations. This Electric Supply Corporations in their own expression—I use their own expression—after a good deal of agitation since 1930 which was sponsored by one of the officers of the Calcutta Corporation, I mean Dr. B. N. Dey, reduced only one pice from their rate. At that time it was 3 as. per unit and they declared to the public that 3 as. was the irreducible minimum per unit. When they reduced that unit by one pice, they said, we are giving six lakhs of rupees and we are sharing the profit with the consumers. These are the express words of some of the Directors of the Calcutta Electric Supply Corporation whose Head Office is in London. Then another reduction of one pice followed. It became 10 pice, that is, the city was benefited by Rs. 12 lakhs. Then in the year 1936 the Government started an enquiry committee of which I believe the late Sir N. R. Chatterjee, acting ex-Chief Justice of the Calcutta High Court was the Chairman. Another reduction of two pice followed, and now the rate is only two annas per unit. Thereby the citizens of Calcutta have got a benefit of Rs. 24 lakhs. Now, the Hon'ble Minister comes forward and says that the Calcutta Corporation has failed to discharge its obligations. I do not know whether he has not seen or he has not cared to see, or he has not understood what the Calcutta Corporation did and what the Calcutta Corporation is going to do. Here is the report of the Calcutta Corporation Enquiry Committee, which was accepted by the Corporation on the 5th of October 1937 in which it was clearly declared that—I do not propose to read it out, it will take some time—if anybody cares to go through the report of the Corporation of Calcutta, he will find that it is the express desire of the Corporation of Calcutta to reduce the rate of electricity consumed in the city and its suburbs, that is, to save Rupees two lakhs forty

thousand a year. That was the intention of the Calcutta Corporation nothing less, nothing more. Sir, shall I be wrong if I suggest that there are ugly rumours prevalent in Calcutta about the collusion of the Government with one particular company, and this Government is going to encourage profiteering by one particular company which they cannot do under the Act. Sir, it is open to the Hon'ble Minister of Finance to say—I challenge him to say—there was a Committee appointed by Government in the year 1916, but, Sir, the report of that Committee has never seen the light of the day. May I presume that Sir James Donald, the then Chief Secretary to the Government of Bengal, had influenced the Committee not to publish that report. Even may I challenge the Minister in charge to place that report on the table to-day and show the interest of the Government in this matter. Sir, he has challenged the Corporation of Calcutta to prove their *bona fide*, to prove their public interest. Dr. B. N. Dey in his evidence before the Committee, appointed by the Government, expressly declared that this electricity rate for domestic purposes can be safely reduced to one anna even by this present Company. I know, Sir, and I can show you from the report of the Government, that each of the directors of this present company is taking Rs. 30,000 a year for their directorship of the company, that is equal to the salary of the present Minister, I mean, the Minister in charge of Commerce. Sir, shall I be wrong if I suggest that Sir James Donald has come here all the way from London to Calcutta to negotiate and continue profiteering in the way they have been doing and thereby disregarding the interests of the consumers of Calcutta.

I will read out the next paragraph of the Government letter: "They have further considered the proposal in relation to the general question of the Government policy in regard to electricity development in the province, and their policy in this matter will be made public in due course." What is the meaning of the words "in due course"? Will the Hon'ble Minister please explain? Does he not know that 20th of October 1938 is the last day for taking this undertaking from the Electricity Corporation? After the expiry of that date neither this Government, I mean this Cabinet, nor the Corporation of Calcutta has got any authority to deal with this subject. Sir, we would be competent to deal with this matter after full ten years under the Act, that is I mean in the year 1948, 20th October, when the Hon'ble Minister, Mr. H. S. Suhrawardy will no longer remain the Minister of Commerce, when another man will come forward who I am sure will not deny, as the Hon'ble Mr. H. S. Suhrawardy has denied, the legal inheritance of the city, the legal ownership of the city to purchase the undertaking from the Calcutta Electric Supply Corporation. Then in the year 1948 there will be other persons to bombard the Electric Supply Corporation if they do not come under

the terms. Even, Sir, we are prepared to allow this Company to continue for ten years more if only they accept the terms dictated by the Corporation of Calcutta. I go further and say that the Hon'ble Mr. H. S. Suhrawardy might have no confidence in the Calcutta Corporation. Was it not his duty, as Minister in charge of Commerce, to purchase that undertaking on behalf of the Government? Thereby he could have saved or he could have increased the Government revenue by Rupees twenty-four lakhs a year. Sir, if he agrees with me, has he ever asked Sir James Donald, has he ever suggested to Sir James Donald to reduce the rate to one anna and thereby save the consumers' interest. Not only that; thereby a tax of two pice per unit might have been raised, Government revenue might have been raised. That he has not done. That he ought to have done. I refer to Section 7 of the Indian Electricity Act. I request him to go through Section 7, Sub-section 4 of the Indian Electricity Act. Was it not the duty of the Government to give two years' notice to this Electricity Company prior to the decision refusing sanction to the Calcutta Corporation? May I ask him, was it not the duty of the Government to advertise so that the people of other countries say, Europe, America and Japan might know the situation? Was it not his duty to help the citizens? Instead of that, this particular letter was published in the telegraph page of the "Statesman" prior to giving notice to the Executive Officer, Calcutta Corporation. Now, Sir, I apprehend that bigger companies are not coming forward with their tenders to Calcutta Corporation, and that is possibly in collusion with Sir James Donald.

Sir, there is another point. The Hon'ble Minister has spoken of policy behind the Indian Electricity. What is policy? If he wants to nationalize it——

(The member having reached the time-limit resumed his seat.)

Mr. DEBI PROSAD KHAITAN: Sir, in my public life in this unfortunate country I have come across many wanders. but, Sir, this letter that has been addressed by the Government of Bengal to the Calcutta Corporation, refusing to give their consent to the Calcutta Corporation's exercising their option to purchase the undertaking of the Calcutta Electric Supply Corporation has amazed me the most. It has amazed me still more after I read the letter and scrutinized it. For, Sir, every ground that the Government of Bengal has put forward, I believe, Sir, they have put forward without proper assimilation, without proper consideration of the facts thereof, or the situation of this city. Sir, the first point made by the Government of Bengal is the legal point. It is being contented that for various reasons the election of the Corporation is invalid. I presume, Sir, that it refers to the legal opinion that has been given, that under the existing Calcutta Municipal Act it was a doubtful proposition as to whether the Corporation of Calcutta could carry on any kind of trade. Sir, the

point is so technical that if any doubt whatsoever exists it could be very easily cured by putting forward an amendment, an amendment Bill, in this very House, publish in the "Calcutta Gazette", introduce and have it considered on the same day and passed into law within a few minutes of its introduction. Such measures being passed in a few minutes are not unknown either to the Legislatures of this country or of any other country in the world when an emergency arises. I feel bound to submit, Sir, that this point, although not treated seriously by the Government of Bengal, as they themselves say, but should not have been mentioned at all by the Government, if they are at all serious about protecting the interests of the citizens of Calcutta. Then, Sir, it goes on to say Government have taken a view that it is the duty of the Corporation to satisfy Government that the granting of the sanction should be in the interest of the public. Sir, Government have been told in no equivocal terms that the object of the Corporation of Calcutta was to reduce the electricity charges from two annas to one anna per unit, the flat rate. Sir, if the Government was at all dubious about the success of the Corporation in achieving that object it was certainly the duty of the Government to negotiate with the Corporation of Calcutta and find out suitable measures and remedies for the purpose of achieving that goal, which was set before itself by the Calcutta Corporation. Sir, I do not think, I am guilty of any breach of confidence, when I say, something about the deputation, which attended on the Hon'ble the Minister on behalf of the Calcutta Corporation. There we offered to the Hon'ble Minister to give him sufficient guarantees that the Calcutta Corporation would be willing to submit to any conditions, to enter into any arrangements that the Government might think to put forward in the interest of the people of this vast city. Sir, I would like to hear from the Hon'ble Minister this evening as to what negotiations carried on in the Corporation of Calcutta for the purpose of ensuring that the interests of the citizens of Calcutta were duly protected. That, as is sometimes loosely stated, Sir, that if the Corporation of Calcutta took over this undertaking there would be a black-out in the city of Calcutta. I hope, Sir, that nobody has seriously put forward that allegation in spite of all the calumnies that have been put forward against the Calcutta Corporation. Is there anybody, Sir, so bold as to stand up in this House and say that so far as the people of this city are concerned, their interests are not properly safeguarded, even by the existing much maligned Calcutta Corporation (hear, hear)? Sir, there is not the slightest doubt that the Corporation of Calcutta has extended education, that the Corporation of Calcutta has seen to it that its revenue is more equitably spent amongst all the different sections and areas of this vast city, and that it is not spent on one section of the population of this city alone, Sir, I remember the time, that is before the year 1921, I know how the revenue of the Calcutta Corporation used to be spent and to-day, Sir,

I also know how the revenue of the Calcutta Corporation is being spent, and I am here, Sir, to put forward a proposition that whatever mistakes are being committed by the Calcutta Corporation, whatever improvements might have to be effected there, it cannot be gainsaid that the money that comes to the Calcutta Corporation is now more equitably spread in its expenditure and, Sir, it is in furtherance of this policy of protecting the interests of the citizens of Calcutta as regards the rate of electricity that the Calcutta Corporation have come up in due time, even before the eyes of the Government of Bengal were opened. I am not referring to the present Government but their predecessor. Even before the eyes of the Government of Bengal were opened the Calcutta Corporation, in due time, whether the old Act was applicable or whether the new Act was applicable, exercised this option. Sir, if the Government are so keen on protecting the interests of the public, will the Government come forward and state before the House as to what steps Government have taken to see that a more reasonable rate is charged from domestic consumers in respect of a matter which is no longer a luxury, but a bare necessity even to the poor people in this world. (Hear, hear). Sir, thereafter it is stated that no attempts have been made by the Corporation to discharge this obligation. Sir, may I ask the Hon'ble Minister to say in all seriousness what attempts he has made to see that the Corporation should satisfy the Government in this behalf. I make bold to say, Sir, that beyond giving this curt reply no attempt has been made by Government in regard to this matter. Then, Sir, it goes on to say about the considered proposal in relation to the general question of Government policy. I believe, Sir, it refers to a wider scheme that the Government had in view to supply electricity for agricultural and domestic purposes. Sir, are they going to give effect to that scheme by fettering their hands for the next period of at least 10 years, or will the proper policy be to give sanction to the Calcutta Corporation, make a suitable arrangement with that body, and see to it that even if the Calcutta Corporation exercise their right to purchase the undertaking this undertaking could merge into that bigger scheme. Sir, I again suppose that I am making no breach of confidence that this very offer was made by the Calcutta Corporation deputation to the Hon'ble Minister, that if, and when, the Government of Bengal exercised their choice of having a big scheme for the supply of electricity both in urban and rural areas, the Calcutta Corporation would not only have no objection, but fully co-operate with the Government of Bengal so that the wider scheme may be given full effect to. Sir, the Government have stultified themselves by not giving consent to the Calcutta Corporation by making it impossible for the Calcutta Corporation to purchase this undertaking and they have tied their own hands by not carrying forward a bigger scheme of which this could easily form a part if the Calcutta Corpocation were unable to buy up this undertaking. Then, Sir, it seeks to

put forward some platitudes, if the word "platitude" has any meaning. Sir, it says this is so directly contrary to the accepted trend of electricity development and cheapening the rates because that could be the only meaning that can be put upon it. The Calcutta Corporation never suggested that they were going to reduce the amount of electric current to be supplied, or that they are going to increase the rate, or they are going to put any difficulty in the way of the citizens of Calcutta.

The only object of the Calcutta Corporation has been to cheapen the rate of electricity, and, Sir, if that is contrary to the accepted trend of electricity development, I for one fail to understand the trend at the present moment.

Then, Sir, it says "and is so much in conflict with the policy embodied in the Indian Electricity Act of 1910." Sir, I have very carefully gone through this Act as, I have no doubt, the Hon'ble Minister has done, and I have rubbed my eyes to find out how it is "so much in conflict with the policy embodied in the Electricity Act of 1910." The policy of that Act is to increase the supply of electricity to the citizens of this country at as cheap a rate as possible, and how it is in conflict with that policy, I shall wait to hear the Hon'ble Minister to explain with conviction to this House.

Then, Sir, it says "and constitutes so serious an obstacle in the way of ultimate adoption of a comprehensive scheme of public control." I believe that the comprehensive scheme refers to the Act that I have discussed. If anything, the election of the Calcutta Corporation to buy that undertaking would be in furtherance of that comprehensive scheme, and the Government's refusal to buy that undertaking is certainly against the adoption of that comprehensive scheme. If, Sir, the Government do not allow the Calcutta Corporation to purchase this undertaking at the present time, will the Hon'ble Minister again explain to this House how is it that they propose to do it within the period of next 10 years or they want the comprehensive scheme to wait for another period of ten years for adoption? Sir, if that is in the mind of the Government of Bengal, I submit that they should allow the Calcutta Corporation to run this undertaking at a cheap rate to the consumers for the next ten years and then put forward their comprehensive scheme for adoption. But, Sir, they have no right to stand either in their own way or in the way of the Calcutta Corporation and see to it that the rate for electric current taken over by the public—I mean the Corporation—is not reduced to a reasonable level at the present moment.

Well, Sir, it seems to me that the Government have made a big blunder in sending this letter. There is still time for the Government to retrace their steps; prestige should not stand in their way. It

is a matter of enough importance that they should give up all false sense of prestige and act in a way that would be fair and equitable to the citizens of this great city.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, I rise to accord my whole-hearted support to the motion that has been placed before this House by my esteemed and honourable friend, Mr. Jalaluddin Hashemy. Sir, I desire the House to consider this question in an atmosphere of calmness in a perfectly dispassionate manner, because I think that the Government letter embodies a decision which constitutes one of the major calamities that could befall the economic life of this province. I am making my appeal particularly to those members in front of me who have come from those distant villages to which electric light and power is still merely a dream, unrealised, almost unknown. The action of the Government in tying up Calcutta to private ownership of electrical undertaking at least for ten years to come will be a serious obstacle to state ownership in the rest of the province. In deciding this question, I am asking you to leave aside your pre-conceived ideas and notions against the Corporation of Calcutta, not to be carried away by prejudices or sentiments which are communal or parochial in character.

Sir, facts have got to be stated and have got to be looked in the face (Cries of 'Hear, hear'). In the year 1903 an Act was passed by the Indian Legislature called the Indian Electricity Act. By section 7 of that Act it was provided: "Where a license has been granted, a local authority shall, on the expiration of such period, not exceeding forty-two years, and of every such subsequent period, not exceeding ten years, as shall be specified in this behalf in the license, have the option of purchasing such portion of the undertaking as is in the area for which it is constituted . ...". In other words, if a particular local authority has got an electrical licence within its local area, at the end of the specific period it will have the option of purchasing that undertaking irrespective of the other areas covered by the license of that particular electrical concern. That is really the crucial point which has got to be considered this evening by this House on the basis of the Government letter.

Now, Sir, in the year 1910, the Indian Electricity Act was amended; and in between 1903 and 1910 the Calcutta Electric Supply Corporation got its license in the year 1907 from the Government of Bengal. In the license which was granted to the Electric Supply Corporation under the provisions of the Act of 1903, it was provided, and this clause was subsequently modified in the year 1922, that the option of purchasing the undertaking given by section 7 (*1*) of the Act shall be exercisable on the 20th day of October 1918 and at the end of every subsequent period of ten years during the subsistence of the license.

Then we find that clause 11 provides: "It is hereby declared, with the previous sanction of the Governor-General in Council by virtue of section 10 of the Act, that the terms of such purchase shall be such as are contained in section 7 (*l*) of the Act" with the substitution for the words "upon terms and conditions similar to those set forth in section 5, clauses (*b*) and (*d*) contained in that section", of the words "upon terms of paying the then value of lands, buildings, works, materials and plant of the licensees suitable to and used by them for the purpose of the undertaking within such area or part thereof; such value being agreed or estimated by arbitration, on the basis of the value of the undertaking as a going concern."

Now, in the year 1910, certain words were introduced in the section which go to show that an undertaking can be purchased if the whole area served by the electrical concern is covered by the area governed by a particular local authority. This is the clause upon which the Calcutta Electric Supply Corporation is probably now choosing to take its stand, because this concern not only serves Calcutta but also other areas outside the Calcutta Municipal limits. Therefore, they maintain that in pursuance of the policy laid down in the Act of 1910 you cannot purchase this undertaking, and the policy which is referred to in the Government letter in such a vague and ambiguous manner probably refers to that policy. But it must be remembered that by section 58 of the Act of 1910, the licenses granted under the Act of 1903 were expressly safeguarded, and the provision for purchase of those undertakings remained unaffected. Now, the Electric Supply Corporation having secured a monopoly of supplying electricity to this city, went on fixing its rates on a fanciful inflated figure. The maximum rate which has been fixed in the license is Rs. 20 for 20 units and 8 annas per unit above 20 units for domestic consumption. Therefore, the maximum rate which this concern can impose is Re. 1 or annas eight per unit. Now, the rate that was in vogue until only recently was 3 annas per unit in Calcutta, which the Electric Supply Corporation declared with singular persistence to be their irreducible minimum. In 1930, when the Calcutta Corporation through its Chief Engineer, Dr. B. N. Dey, brought forward a scheme by which it was demonstrated that electricity could be supplied at the rate of one anna per unit, the Electric Supply Corporation began to feel perturbed. Then came the Committee which was appointed by reason of the pressure which was brought to bear upon the Government on the floor of the then Legislative Council, and the Supply Corporation first brought down the rate to 10 pice from 3 annas: Nor was it all. The case for reduction of rate was so irresistible that the irreducible minimum of 3 annas per unit was subjected to a further reduction of half an anna, and the rate per unit was brought down to 2 annas, which is the present rate. The Government Committee, however, have said that although

they were not satisfied that electricity could be supplied at one anna per unit, certainly there was considerable scope for reduction in the present rate of supply and they did hope that the Electric Supply Corporation would further reduce their rate. That is the concluding recommendation of the Electric Supply Committee appointed by the Government of Bengal.

Now comes the application of the Corporation to exercise their option of purchasing this undertaking. Along with that application the recommendations of the Corporation Special Committee were forwarded and the discussion and the proceedings of the Special Committee where this question was discussed threadbare in all its aspects were forwarded to the Government of Bengal for their information and consideration. On the face of that, the short, cryptic letter from the Government comes like a thunderbolt. "We are not satisfied," says the letter, "from the materials placed before us that the acceptance of the proposal of the Calcutta Corporation will be in the public interest." May I ask the Hon'ble Minister in all humility what steps he took to satisfy himself after receiving the letter of the Corporation? The Government slept a long sleep over the Corporation letter. And then a deputation waited upon the Hon'ble Minister and went into the question in all its aspects in the coolness and seclusion of the Writers' Buildings. I suppose, Sir, that he must have received satisfactory materials that the Corporation deserves to be granted this option of purchase.

Then it was freely given out in the city that Government had practically agreed to grant the necessary sanction to the Corporation subject to certain conditions. Then suddenly comes this letter, and no reasons are vouchsafed except that the Corporation has not placed materials enough before the Government. What more materials are wanted? Nothing is mentioned in this letter. Then, Sir, one other reason is vaguely hinted. "Government," it is said, "have considered the proposal in relation to the general question of Government policy in regard to electricity development in the province and their policy in this matter will be made public in due course. For the present, it must suffice to say that the proposal of the Corporation, involving as it does the dismemberment of an existing electricity undertaking, is so directly contrary to the accepted trend of electricity development and is so much in conflict with the policy embodied in the Indian Electricity Act and constitute so serious an obstacle in the way of the ultimate adoption of a comprehensive scheme of public control," that the Government must withhold its sanction. It is, on the face of it an amazing proposition. How can the Government even dream of a state-owned electrical system in Bengal when the best and the most vital part of the system must continue at least for the next ten years in the iron grip of a foreign private company? Sir, I shall conclude my

remarks by referring to the most astounding plea put forward in the Government letter that "they are unable to hold that it would be in the public interest to grant the sanction applied for." I ask the Hon'ble Minister in all seriousness—does he not consider it to be in the public interest that the rate should be reduced from 2 annas to one anna? I am asking every member of this House to consider this aspect of the matter. The idea of the Calcutta Corporation is not to take over the electrical undertaking to its own management, but to make over the entire business of running the concern to a company of world-wide reputation. They have called for tenders from all over the world and the last date for receiving these tenders is the 3rd March 1938. The Hon'ble Minister for Commerce could not hold his soul in patience even for one month, if only to find out which were the companies which came forward to tender for this concern. The fundamental condition of this tender is that they must supply electricity at one anna per unit. Even without waiting to see if such first rate companies came forward to tender on this condition, the Hon'ble Minister has made short work of the whole thing and has said the last word on the subject. We are entitled then to proceed on the footing that such acceptable tenders would be forthcoming on the condition that they could supply electricity at one anna per unit. If that be so, and if that is granted because there is no material to counter this proposition at this stage—what happens? We are making a free gift of Rs. 24 lakhs every year in the shape of one anna per unit to British investors, at least Rs. 2 crores and 40 lakhs in ten years, of ever-expanding revenue. We are being bound hand and foot and tied to the chariot wheels of a private monopolist concern for a most important public utility. By its deliberate creation of such a situation, Government stands guilty of a criminal waste of money. Has the Hon'ble Minister got any right to play with the rights of the people in this fashion? If Rs. 24 lakhs could have been saved, so much could have been done for the betterment of this city and of this province. The Hon'ble Finance Minister wants to continue the electricity tax which yields annually Rs. 18 lakhs. Remember for a moment that if this rate could be reduced to 1 anna per unit, leaving ½ anna to the poor consumer, the other half anna could be available for taxation, thereby raising the amount of annual tax from Rs. 18 to Rs. 27 or Rs. 30 lakhs. Why make a free gift of this amount to the British investors, why not appropriate the amount yourselves (Government) and spend it for the betterment of the condition of the poor villagers in this province? That is what I am asking every member to consider. I would ask the House whether under these circumstances, it does not behove this House to give its verdict here and now calling upon the Hon'ble Minister to reconsider the step that he has taken and to wait till the

3rd of March next for the purpose of satisfying himself whether any thoroughly reliable tenderer came forward to make an offer which the Government might sanction without any doubt or hesitancy.

(At this stage the member having reached the time-limit resumed his seat.)

Maulvi ABUL HASHIM: I represent rural Bengal and I am not in the least interested in Calcutta affairs. My friend, Mr. Santosh Kumar Bose, says that the refusal of sanction by Government to buy the Calcutta Electric Supply Corporation's interest is criminal. I do not agree with him. In my opinion, the city of Calcutta is inhabited by those whom we village people call exploiters. This appears to be a quarrel between two sets of exploiters. I, for myself, do not make any distinction between Indian and foreign exploiters. So far, the different classes of exploiters have formed themselves into a company to benefit themselves. They quarrel among themselves over the distribution of the spoil but in plundering the poor they seem to be united all over the world. The blood of the toiling millions of villagers flows into the city of Calcutta and during the transit is transformed into gold and enjoyed by the people of the city. But, Sir, from what our hon'ble friend Mr. Khaitan said, it appears that the Calcutta Corporation was prepared during their negotiations with the Government definitely to agree to hand over the concern to Government, if Government at any time decided to run it themselves. I further understand from the speeches just made that if the Calcutta Corporation is permitted to buy up this concern, Calcutta people will be relieved of the flat rate by a few annas and will be greatly benefited. If the electric concern is a profitable one, then I think, Government ought to have decided to buy up the whole thing themselves.

Rai HARENDRA NATH CHAUDHURY: Insist on that.

Maulvi ABUL HASHIM: Government should appropriate the whole thing and increase Government revenue. Government refused sanction, we have heard, in spite of the fact that the Calcutta Corporation was willing to hand over the concern to Government at any time. Here I fail to understand the decision of Government. If it be so, I expect that the Hon'ble Minister will please explain this point and make it clear to us and justify his decision before we are called upon to vote on this motion. I conclude my speech with this remark that I am strongly of opinion that the Government of Bengal ought to have out of their own initiative decided to buy up the concern. They have refused sanction to Calcutta Corporation and I presume that was because they do not make any difference, as I do not make myself, between exploiters and exploiters, and they are not anxious to see what

class of exploiters is benefited just now; they withhold permission only because they propose to buy it up before long. I hope the Hon'ble Minister will tell me before the House is divided on this question if I am correct in making a presumption like this.

Mr. M. A. H. ISPAHANI: Sir, I go even further than the mover of the resolution. I submit that it is not an hour too soon for us to seriously consider and take effective measures for the nationalisation of public utilities. Almost in every progressive country in the world, nationalisation is no longer an economic theory, but a well-tried and well-established reality. What I desire to know from the Hon'ble Minister in charge is as to what he proposes to do in respect of this matter. I understand that the Calcutta Corporation is not given permission to exercise its option. So far I am in agreement, but for reasons that I shall relate later. I do, however, want to know what the Hon'ble Minister himself proposes to do on behalf of the Government of Bengal. Is he going to take steps for the nationalisation of this important public utility? If so, when, and how? The case made on behalf of the Calcutta Corporation, in my humble opinion, cannot stand. The Calcutta Corporation has gained fame not for its efficient administration, but for its exemplary maladministration. It will be doing injustice to that body if we add further burden on its shoulders; it cannot manage its affairs to-day. Why should we add further responsibilities and make it more difficult for it to carry on its administration. I do not think we shall be so unjust to the Calcutta Corporation and certainly as one of the rate-payers, I will consider it a gross injustice if such an important public utility concern is handed over to the Corporation as it is constituted to-day. I therefore submit that this motion be thrown out without any hesitation. Let the Corporation improve its administration first, and then come to the Government of Bengal with a proposal for handling such a gigantic scheme.

Dr. SURESH CHANDRA BANERJEE: I stand to support the adjournment motion moved by my friend, Mr. Jalaluddin Hashemy. Into the legal and technical aspects of it Mr. Santosh Kumar Bose and Mr. Khaitan have already gone and they have conclusively proved that there are no technical or legal difficulties in handing it over to the Calcutta Corporation. The question of public and specially of the working class has been raised and being a labour representative, I must raise my voice of protest against the action of the Ministry in having refused to hand it over to the Calcutta Corporation. You know that of late there was a threat, why threat, a practical possibility of a strike of the electric workers of this city and the reasons too, I am sure, are known to all, because they have been published not once or twice but

on many occasions in almost all the local papers. There are about 2,500 workers working under the Electric Corporation. Of them the coolies, at least the majority of them, get a monthly pay of Rs. 18 whereas each of the directors draws, a friend of mine told me, Rs. 32,000 a year living in England or in London. My information was they draw Rs. 42,000 a year.

Of late these labourers have organised themselves into a union. Out of 2,500 workers, 2,250 have already joined the union which is a registered one. They have been agitating for the last six months—agitating in all possible ways—to have their legitimate grievances redressed, to have their pay raised in the case of the coolies from Rs. 18 to Rs. 20 or, if possible, to Rs. 24 a month. Even this slight improvement in pay the Electric Supply is refusing. Sir, what does it prove? It proves that this company is callous to the interests of its workers. That the company is absolutely reactionary, undemocratic and is indifferent to the welfare of the people by whose exploitation it is thriving. Therefore I cannot even for a moment think how such a body absolutely reactionary and indifferent to the welfare of the labourers whose population of 14 lakhs is 12 lakhs in Calcutta—how to such a reactionary company the important business of electricity supply to such a big city can in any way be entrusted. I cannot even for a moment think how hon'ble members who are the representatives of the people of the toiling millions, of the labourers and peasants of Bengal can support such a reactionary action of the Government as they refusing sanction to the Calcutta Corporation.

The question of Government taking over the business has been raised. As a socialist, Sir, I whole-heartedly support the proposal. I must also raise another question; we must not even for a moment foreget that the Calcutta Corporation is a self-governing body, and as such it has a legitimate right to manage its own affairs, not only the city's public utility services, not only electricity, tram car, the telephone, but also I think the police. I know these things have not yet come under the Calcutta Corporation, but I think and I hope the honourable members will agree with me when I say that these things should have been given to the Calcutta Corporation long ago, but remembering that a reactionary sort of Government, or no Government I should say, had denied them, these legal rights so long denied to the Calcutta Corporation these should now be given to it by the representative Government we have at present. We must press for it. This Government must be forced by us to hand over the electric supply affair to the Calcutta Corporation whose legitimate right it is to have it.

I like to raise, Sir, another point, and that is about the cost. Of course they have reduced the rate from 12 pice to 8 pice and thereby the people of Calcutta have gained 24 lakhs a year. But Dr. B. N. Dey has proved to the hilt that this rate can further be reduced to 4 pice

per unit. I can assure the House that a further reduction is also possible if a socialist system of administration is established, if the officers unlike our Ministers here but like the Congress Ministers draw salary not more than Rs. 500 a month. Then, Sir, I can assure you that electricity can be supplied not only at the rate of 4 pice but at the rate of two pice or even one pice per unit. They will benefit the poor people of this big town beyond expectation. Therefore, Sir, hon'ble members are now before a great problem—the problem of the toiling mass, the problem of seeing their houses lit. Sir, as a labour worker my main business is to frequent the houses of these labourers and I find them always living in dark at night, unable to use, let alone electricity, even a kerosene lamp. But if you allow the Calcutta Corporation to take over the undertaking from the Calcutta Electric Supply Corporation, a body quite irresponsible and over which nobody in this province has any control or voice, then, Sir, I can assure you that in no time will the houses and the dark rooms of the toiling millions of this town will be lighted up. Whether it is the Calcutta Corporation or the Government of Bengal that takes up this business does not matter much. But it is absolutely essential that the license of the Electric Corporation be not renewed. As I have said, Sir, before, the Calcutta Electric Supply Corporation is a body over whose affairs nobody here has any voice or control, and the supply of electricity to such a big town as Calcutta should not remain in the hands of such company. If we do that we would be betraying the trust which the people of Bengal have reposed in us, we would be betraying the interests of the toiling millions and the sacred privilege which we have got as members of this House. I would, therefore, fervently request the House that it must not allow this reactionary thing to continue but must vote down the order of the Government and support the adjournment motion moved by my friend Mr. Hashemy

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I regret very much that within the short space of a quarter of an hour I shall not be able to deal with the various aspects of this question. I should, however, have liked to deal in some measure with the conditions of labour employed by the Calcutta Electric Supply Corporation, which has been raised by the last speaker, but I am afraid I am precluded from doing so for want of time. But if we did consider that point at all, I could say that the speaker has supplied another very good reason why the Calcutta Electric Supply Corporation should not be handed over to the Calcutta Corporation.

Now, Sir, I will not deal with what I consider to be a somewhat ranting speech of the member who has moved this adjournment motion. There are other speeches, however, which do call for a certain amount of reply to remove misapprehensions, and I shall attempt to deal with

them as best as I can in the short time at my disposal. In refusing sanction we have had to look at various aspects of the problem. Hon'ble members must remember that merely because in the license it is stated that the Calcutta Corporation can acquire—possibly under the 1903 Act—the electricity undertaking within the municipal limits of Calcutta, the sanction of Government is a matter of routine. Government has got to consider all the various aspects of the problem before granting sanction, and in order to do that, Government had had to consider the interests of the people of Calcutta, Government had to consider the interests of the people outside Calcutta who are being supplied with electricity by the Calcutta Electric Supply Corporation, and had to consider the interest of the people of Bengal as a whole. (Rai Harendra Nath Chaudhuri: And mainly from the point of view of the dividends paid by this company.) It is from this point of view, particularly from the point of view of the interests of Bengal as a whole, that we had no other alternative but to refuse sanction. It is very unfortunate that the various speeches that have been made were so ill-informed. The gentlemen who have spoken in favour of the motion know so little about the trend of modern electricity development that I can forgive them for the speeches that they have made. (Derisive cheers from Congress Benches.) (The Hon'ble Khwaja Sir NAZIMUDDIN: Listen and learn.) However, I should like to enlighten them to a certain extent and they will go away from here wiser than they entered. (DR. NALINAKSHA SANYAL: Not only wiser, but sadder too.) As our letter to the Corporation shows we have not considered the question of the legality of the option to purchase, but at the same time I do not think that Mr. Jalaluddin Hashemy should run away with the idea that we are satisfied that the Calcutta Corporation is within its legal rights to exercise the option. Several eminent advocates both within and outside this legislature have given conflicting views on the legal question involved. For instance, an eminent advocate within this legislature has definitely and categorically stated that the Calcutta Corporation had no power whatsoever to exercise the option, either due to its inability to acquire a business undertaking, or because the 1903 Act did not apply, and the 1910 Act applied,—as under the 1910 Act only the entire undertaking can be purchased, and as the entire undertaking of the Calcutta Electric Supply Corporation is not situated within the limits of Calcutta, but outside Calcutta as well, the Calcutta Corporation is precluded from acquiring any portion of the undertaking.

Then there are various other legal points which we did not consider. The lawyers on the other side of the House, for instance, Mr. Santosh Kumar Basu has been coming out with legal argument. If he will look at the notice served upon the Calcutta Electric Supply Corporation, he will find that the notice is purported to have been served under

clause 7 of the Indian Electricity Act, 1910 and not of 1903. Under the Act of 1910 under which that notice has been served, the Calcutta Corporation cannot acquire the undertaking within its own limits.

Mr. SANTOSH KUMAR BASU: May I just put one question to Mr. Suhrawardy?

Mr. SPEAKER: It is not a legal discussion.

The Hon'ble Mr. H. S. SUHRAWARDY: Although the letter of Government has not taken into consideration the incompetency or otherwise of the Calcutta Corporation, I have marvelled at the attempts of several members to enlarge on it and to offer excuse in advance. It does seem as if the members who have spoken in that strain agree in their heart of hearts that the refusal of sanction to the Calcutta Corporation has been rightly made. Now, Sir, the real reason which has actuated Government in refusing this sanction is in pursuance of its general policy of public ownership. So far as the electrical concerns are concerned, they can be divided into two classes: one which may be called the power agencies, and the other the distributing agencies. So far as the Calcutta Electric Supply Corporation is concerned, it is both a power-producing concern as well as a distributing concern. From the point of view of ultimate public ownership, we have to control the generation of electricity on a national basis. This involves a survey, and we propose having an electricity survey of the province for the purpose of ascertaining the various sources of electric power and concentrating on more efficient stations and creating a system to supply electricity at the lowest possible cost. This would mean amalgamation and co-ordination of the system and not dismemberment. Dismemberment, honourable members will be pleased to consider, is not a step towards nationlisation at all. I very ill-informed letter by a public leader to whom Mr. Hashemy has referred seems to consider that municipalisation or acquisition by a municipality is the first step towards a national undertaking. I shall point out to honourable members in due course that far from being a step towards nationalisation it is just the reverse and against public interest. So far as distribution is concerned, the policy that we have adopted is to take steps leading to the eventual nationalisation of electricity undertakings and ultimate transfer to public ownership. It is in pursuance of this policy that we have refused sanction. Fortunately for us, the same problem arose a little while ago in England. There were local bodies that had the power and the option to acquire portions of electricity undertakings within their local limits. This was considered by a committee which submitted a report which is almost the last word on electricity organisation and is known as the McGowan Report. I shall read just one or two passages from that report in order to inform

the honourable members as to what these principles are. They considered in particular that class of electricity undertakings whose operations extended outside the local district, as here. Honourable members should know that the Calcutta Electric Supply Corporation does not supply Calcutta alone. It has got several licenses which fall due at various times and the three power stations that it possesses are interconnnected. One is in Cossipore, a second is at Garden Reach, and the third, is at Bhatpara supplying an interconnected system of electricity. It is to meet cases of this nature that this committee was appointed, and the committee found that purchasing by municipalities far from leading to nationalisation would lead to disintegration of the existing undertaking into a larger number of still smaller units which would mean no advancement in electricity supply. You will find the policy laid down here. "An essential aspect of any such scheme must include the prevention of the splitting up of a comprehensive undertaking in consequence of the exercise of the right of purchase by individual local authority." This is expounded subsequently, and I will read the words as in the report. "So far as the purchasable undertakings are concerned, it is obvious that in the case of the local undertakings the local authorities in a more remunerative part of the company will exercise their right of purchase. The result would be that a comprehensive undertaking would be split up into a number of small uneconomic undertakings." It would be a retrograde step to allow such disintegration to take place. The ultimate effect would be to the detriment of the consumers and I would point out that the result of this disintegration would not be to reduce the charge of 2 as. to 1 a. but to increase it possibly to 6 as. Therefore, they go so far as to recommend equation of licenses and suspension by legislation of all the existing local authority rights of purchase in respect of such distribution undertakings for such specied equated periods. Therefore they are most definitely of opinion that large undertakings should not be disintegrated by giving permission to local authorities to break them up. I think, Sir, that so far as the responsibility of this Government is concerned, it must be to see that electricity is guaranteed, it must be to see that it does not fail. If I were to scrutinise the tender with regard to which so much has been spoken, I would be able to show before the House that this was an absolutely worthless, and if I am permitted to say, even a childish tender which has been put forward. One thing that you will find in this tender is that there is no arrangement made for a power house (question). Even if I take the figures as given by the Corporation—and these figures are entirely wrong. And I may point out here before I come to the figures—The Committee of Sir Nalini Ranjan Chatterji spoke in these terms with regard to the figures of Dr. B. N. Dey on which so much reliance has been placed. After considering each item separately, and

rejecting the validity of almost every figure, their last opinion is this: we are therefore obliged to reject the proposal. This is the opinion which they have formed with regard to the figures of Dr. B. N. Dey. If the Corporation wanted to satisfy Government with regard to its figures, it was necessary that they should come up with other figures and not with those which had already been rejected by an expert Committee in 1936. The figures that were put forward by the Corporation were not accepted by the expert Committee, in the case of a whole undertaking, and it stands to reason that if that undertaking is split up into smaller portions where there will be an unbalanced supply, they will be more valueless than ever. I am afraid it is asking too much of the credulity of this House to accept the figures at this stage. Let us look at the figures in the tender. It is stated that the Electric Supply undertaking is worth about 137 lakhs. You may have a tender on these lines, but in order that the tender may be considered valid, the undertaking must be worth just that amount. You have stated that there should £600,000 set part for a power station. But you have not specified the power station. Which power station you are going to buy? Are you going to buy the Cossipore or the Garden Reach station. Suppose the Calcutta Electric Supply Corporation were to call your bluff, what would you do? You have no time to put up a station which cost 5 years to erect; you will have to purchase one or other of the stations, but you do not know what is the value of the stations. Within the tender you have not stated what is the value of Cossipore station, you have not stated what is the value of the Garden Reach station? For these and similar reasons on behalf of Government and on behalf of the people of Calcutta whose guardians we are, am not prepared to take the risk.

Now, Sir, I will just point out to you one more inaccuracy here, because I find that my time is almost up. You have given certain figures of income and expenditure. You have worked out on the basis of 90 million units, that is 50 million units for domestic purposes and 40 million units for industrial purposes. Now what is the value of these figures which you have given on this basis? As a matter of fact, the domestic units supplied by the Calcutta Corporation are not 50 million units but 40 million units. As a matter of fact the number of industrial units is not 40 millions but 90·20 millions, or a total of 130·2 millions. Your figures, threfore, are entirely wrong. If the correct figures are taken, you will find that on your own calculations the cost price of one unit of electricity is more than one anna, and if you take the real figure——

Mr. DEBI PRASAD KHAITAN: On a point of information, Sir. Is the Hon'ble Minister giving figures of consumption in Calcutta or outside Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: No, I am giving figures of consumption in Calcutta. The total consumption is 232 million units.

The figures which you put forward are entirely wrong. There is really nothing in it. I think I can go on like this point by point and prove to you that figures in your tender are such that no reasonable person can possibly rely upon them, and if any one tenders on the lines of your tender, I can only say, that he is not serious or gullible, or is doing it for a political purpose; but I cannot for a moment consider that a tender of this nature can ever be taken seriously in any country. What have you got here? You have got this proposal that the person who comes forward will advance the money. He will take 3 per cent. for the amortisation fund, and he will take 6 per cent. as interest on capital. He is not called upon to set part any money for depreciation. After 25 years he will appropriate the amortisation fund.

(The Hon'ble Minister having reached the time-limit resumed his seat.)

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir. A good case is sometimes lost because of bad advocacy. I wish this motion for adjournment had not been brought up before the House by any member of the present Corporation of Calcutta (hear, hear from Coalition Benches). They are a discredited lot and they do not possess the confidence of the citizens of Calcutta In this assertion, Sir, I include not only the Mussalmans of this city but some of my friends on the side opposite also. I too could quote long statements from leaders and their lieutenants of the Congress persuation who have uttered words about the City Corporation which if carried into effect would really lead to its removal from the midst of Calcutta, lock, stock and barrel. The present Corporation, Sir, is a veritable disgrace to the name of a municipality, and as my hon'ble friend from South Calcutta said, it will really be a misery to them if we burdened them with anything so gigantic as the Electric Corporation. But, Sir, because I dislike the Municipal Corporation I shall not say that I like its counterpart the Electricity Corporation. These blood-sucker organisations which have got themselves established in our country should now realise that the time has come when India wants to get into her own. (Hear, hear.) Electricity, Sir, is not a thing that our engineers cannot produce. It does not require any wonderful or miraculous powers to produce and even to distribute electricity in places like Calcutta. I was rather disappointed at the speech of the Hon'ble Minister-in-charge. If he had stood up just to discredit the Corporation and the silly tender they have submitted regarding the taking over of the Calcutta Electric Corporation, well, perhaps his utterance could be characterized as a good speech. But what about the problem of all

problems? Are we going to hand over the destinies of this city for ten years more to this octopus? The Minister was silent on this point. He did not tell us what he was going to do in the absence of the acceptance of the request of the Corporation of Calcutta. I hold, Sir, that if it is a question of public ownership, if public utilities are going to be our property, it was the duty of the Minister-in-charge to have told us how he was going to grapple with the problem and achieve the happy result of nationalising them. One can run down the Calcutta Corporation. I can go on talking for hours together about it, but to me the problem of the lighting our city and other problems which affect public utility and service and which should now come into our hands by and by, are more important than whether X rules the Corporation to-day or Y.

Sir, a long theory, about the production and distribution and also about the wider application and expansion of electricity throughout Bengal, was enunciated before the House by the Hon'ble Minister in charge. I do not see how that comes in. The problem actually before us is that by a certain date a notice has to be given and the other party has to make use of a certain option. But before that date expires and as you do not want to give the Corporation the license, please step forward, come out boldly, stand in its place and give it to yourself. Tell this House that you are going to take possession of this organisation even if it costs hundreds of pounds, and then you will at once realize that this House will be with you and stand behind you solidly. We shall undoubtedly make mistakes. Many a big scheme has been evolved through mistakes. Let us also make mistakes and learn to rectify them. But, Sir, you cannot run away with a harangue against the Corporation without giving us your idea, your plan, your scheme of how you are going to tackle the problem. I wish the Hon'ble Minister had, instead of giving those figures, had told us something about the terms he offered. He took shelter behind the municipal limits of Calcutta and mentioned Cossipore and Garden Reach and so on. The Calcutta Electric Supply Corporation may have five generating stations. Let them have a dozen. But if there was a legal hitch about the city Corporation operating outside its municipal area, I am sure the Law officers of the Crown and even the legal brain of the Honb'le Minister——

Mr. SANTOSH KUMAR BASU: The Hon'ble Commerce Minister's brain is the latest generating station.

The Hon'ble Nawab K. HABIBULLAH Bahadur, of Dacca: It is not worse than yours.

Mr. ABDUR RAHMAN SIDDIQI: For this department could have found ways and means of giving the working rights, managing rights,

or some other form of rights to the Corporation of Calcutta to supply light and to supply power in these outlying portions——

Dr. NALINAKSHA SANYAL: May I know, Sir, what is the observation made about brains from the other side? He may be an expert in brains.

The Hon'ble Nawab K. HABIBULLAH Bahadur, of Dacca: You may be also.

Dr. NALINAKSHA SANYAL: We know your brains.

The Hon'ble Nawab K. HABIBULLAH Bhadur, of Dacca: We know yours too.

Mr. SPEAKER: Order, order. Dr. Sanyal, if I am to take notice of all the casual remarks, you will be the worst offender.

Dr. NALINAKSHA SANYAL: But, Sir, there are exceptions as to who can claim the best of brains.

Mr. SANTOSH KUMAR BASU: The legal brain of the Minister always rules.

Mr. SPEAKER: Order, order.

Mr. ABDUR RAHMAN SIDDIQI: My speech has been interrupted, Sir, by the incorrigible disturber of peace—the hon'ble member from Murshidabad, but as I was saying, we are anxious that the present Cabinet give us the lead in matters which do matter, in matters which ultimately will lead to the advantage of the citizens of Calcutta. So far as this scheme is concerned, extraneous arguments about persons and a thousand and one other things have been brought in. I do not think I can suggest a way out of the difficulty, but I do insist, Sir, that the Government should find a way out now and here and not hand us over for a further period of ten years to the Calcutta Electric Supply Corporation. I appeal to the Minister-in-charge to find a way out. I am sure he can find such a way and then come to terms with this or some other Corporation. By starting on right economic and scientific lines with a sinking fund he can save lakhs of rupees to Calcutta and its citizens and also save them from the clutches of the Calcutta Electric Supply Corporation. Let us get out of the grip of these people, and let us light our own homes and our own hearths with the power produced by ourselves. Let us leave merely debating and technical points severely alone. It is these public utility organisations that

will make India self-supporting. It is these institutions that will give us the power to control our own destinies first in our urban and later on in the rural areas. Whatever the London Scheme or the McGowan Scheme may be, and this reminds me of the other octopus, the Imperial Chemical Industries, why it was launched and why the local bodies in England were simply wiped off the slate, I do not know. I am no expert in electricity. But if England did something it is not necessary that we follow it. Let us strike out a new path. In England the people and the Government are one. Things in India are still different, distinct and apart. We have got to see to it that every little thing that brings any benefit to one single Indian, has to be caught hold of and has to be given to India. Before sitting down I would once more appeal to the Hon'ble Minister to see that not only the Electric Supply Corporation but the Tramways, the Telephones and all other commercial bodies exploiting the citizens of Calcutta are brought under Government control. It should be remembered that we want nationalisation of these services and not their communalisation. In speaking to-day, as I have done, Sir, I speak with a full sense of responsibility and I think I shall be right in saying that the Muslim merchants of Calcutta whom I have the honour to represent in this House, would welcome some such step—some such gesture on the part of the Government as would lead us to believe that the Government is not going to let this Electric Corporation hang on to us for ten years more but that the city will be released of its grip at the earliest possible moment.

The Hon'ble Mr. H. S. SUHRAWARDY: May I give a personal explanation as regards the ultimate public ownership of these bodies? I entirely endorse, if I may, the remarks which have been made by my predecessors. That has got to be worked out.

Mr. SYAMAPRASAD MOOKERJEE: I am tempted to say a few words in support of the motion before the House, particularly in view of the appeal, the very forceful appeal which has been made by the last speaker for whom I entertain great respect. I shall not deal with the first portion of his speech, namely, the charge of maladministration against the Calcutta Corporation. I do not accept the sweeping allegations made against that body. I am not a member of the Calcutta Corporation but if and when the time comes for this House to consider its affairs, as a ratepayer and as a citizen I hope to have an opportunity of saying my say. As the last speaker had rightly observed, let not the issues be confounded while considering the very important matter which we are discussing as a result of the adjournment motion. Sir, I did expect that the Hon'ble the Commerce Minister would be able to give us some definite ideas as to what the

policy of the Government was going to be. He had an opportunity of making further remarks after the last speaker had resumed his seat, but the only thing that he could say was that he heartily endorsed whatever Mr. Md. Abdul Rahaman Siddiqi had said. But he does not touch the most important aspect of the problem and that is what is going to happen with regard to the future relationship between this city and the Calcutta Electric Supply Corporation for the next ten years. Sir, I believe that is the important aspect of the question which is before the House just now. Sir, the letter which the Government sent to the Corporation has been dissected by various members before me and I do not propose to take the House line by line through this extraordinary document. Sir, so far as the legal aspect of the Corporation's claim is concerned, I would say that is a technical matter. If Government makes up its mind that the undertaking should be purchased by the Calcutta Corporation as is laid down in the license and in the Indian Electricity Act, the legal anomalies in the Calcutta Municipal Act, if any, can be rectified immediately by an agreed amending Act. So far as the interests of the public are concerned, the Hon'ble Minister said nothing to show that the reasons which have impelled the Government to refuse the sanction were really reasons in the interests of the public of this city or of the province. Sir, what are the interests of the public which are advanced by the proposal of the Corporation? I take it there are two important factors involved. First, the control will come to the hands of the people of this land. Secondly, it means cheaper supply of electricity. Sir, it is no use the Hon'ble Mr. Suhrawardy's placing before us reports of English experts. May I ask Mr. Suhrawardy one straight question? Do the experts of the English Committee advise Parliament or the people of England that the responsibility for maintenance of the electric supply in England should be transferred to some foreign concern, German, French or even Indian? (Hear, hear.)

The Hon'ble Mr. NALINI RANJAN SARKER: No body says so; Government does not say so.

Mr. SYAMAPRASAD MOOKERJEE: I am glad the Finance Minister has now learnt to interrupt. Now, Sir, may I put this question to the Hon'ble the Finance Minister. When will the Government of Bengal nationalise electricity? Will it take it up immediately or after an indefinite time?

The Hon'ble Mr. NALINI RANJAN SARKER: They have already taken it up with a view to nationalise industries and stopping the renewal of the contract and continuance of the supply.

Mr. SYAMAPRASAD MOOKERJEE: Now, Sir, the Hon'ble the Finance Minister says "with a view to nationalise the industry". When actually will the process commence? During his life-time or in the life-time of the generations to come?

The Hon'ble Mr. NALINI RANJAN SARKER: From this year, Sir.

Mr. SYAMAPRASAD MOOKERJEE: Very well, Sir, that is important. We welcome this, from this side of the house,—this important pronouncement made by the Hon'ble Finance Minister on behalf of the Government of Bengal that from this year the scheme of nationalisation of the electric supply of this province will be taken up. ("Hear, hear".) My next question to him and to the Hon'ble the Commerce Minister is this What are you going to do to put an end to the continuance of the present arrangements with the Calcutta Electric Supply Corporation for the next ten years and what steps are you definitely going to take for this purpose?

The Hon'ble Mr. NALINI RANJAN SARKER: It is not necessary to tell you immediately.

Mr. SYAMAPRASAD MOOKERJEE: Now, Sir, this reply means that Government is not serious at all. I shall resume my seat immediately if the Hon'ble the Finance Minister says that Government has decided to arrange matters in such a way that the present license with the Electric Supply Corporation on the existing terms will not be forced on Calcutta after November 1938 There is no reply, Sir, from him.

I shall say, Sir, to quote the language of the Hon'ble the Commerce Minister that this attitude of Government is worthless and childish. ("Hear, hear" from the Congress Benches.) I shall say, Sir, that the only way in Government can ultimately introduce a policy of nationalisation of electricity is to accept the proposal of the Corporation. Now, Sir, let me pass on to the particular letter which I have been analysing. The Hon'ble the Commerce Minister in the letter sent to the Corporation stated that no attempts were made by the Corporation to discharge the obligation of satisfying the Government that in the interest of the public the purchase should be sanctioned. Sir, we have heard a lot about the worthless and childish nature of the proposals put forward by the Corporation of Calcutta. We have also heard from the members of the Corporation who waited on deputation before the Hon'ble the Commerce Minister. May I ask in all seriousness, was it not the duty of the Hon'ble the Commerce Minister, as responsible for the welfare of this city, to write to the Corporation of

Calcutta and ask for the details in respect of matters about which he had grave doubts and to discuss the doubtful points with the Corporation itself? What was the actual proposal that the Corporation had made? The proposal which the Corporation was making was not that it would take up the responsibility of running the show itself, but that would hand over the administration to an approved agent. (The Hon'ble Mr. NALINI RANJAN SARKER: To a foreign company.) Yes, to a foreign company, if necessary, but one that was willing to accept our terms and not one that was going to dictate its terms to the Hon'ble the Finance Minister or the Corporation. There is a difference between foreign companies that dominate you and foreign companies that are agreed to carry out your terms.

Now, Sir, what was the proposal that the Corporation of Calcutta had made? The proposal was that the actual responsibility would be given to an agent. If this agent is an undesirable party, here also Government has sufficient powers to step in at the right time. The final proposal would have come before the Ministry of Local Self-Government in any case, and if even at that stage it appeared that the party to whom responsibility was going to be handed over on mutually acceptable terms which were favourable to the interests of the people of this land,—if the party was undesirable, then the Government would be justified in stepping in and stopping that transaction. Before that point is reached, why should the proposal be turned down by Government definitely? Let it by all means, after discussion with the Corporation and other experts, alter the terms of the tender in every suitable manner. But why should it not wait before taking the final decision and see what response there is to the tender issued by the Corporation? If there is a real spirit of co-operation between the Government and the Corporation for the purpose of achieving progress, a modest sum of at least two crores and forty lakhs of rupees may be saved in the next ten years. You cannot do so if yours is the shameless purpose which is mentioned in this Government letter, namely, the saving of dismemberment of an existing private electrical undertaking. Is that dismemberment a calamity, is that a matter of public interest? I would ask the Hon'ble the Commerce Minister to declare that in view of the opinions expressed on all sides of the House, Government will reconsider the position. If the interests of the public are really near his heart, his duty is clearly to consult the Corporation of Calcutta again and discuss the matter with its representatives and with experts who are in a position to pronounce judgment on questions like this and decide to take steps as early as possible, and not till such future time as has been vaguely suggested by the Hon'ble the Finance Minister, so as to prevent Calcutta being placed at the mercy of a foreign private profiteering concern for at least ten years to come.

(Cries of "The question may now be put".)

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, this subject may be now to this House but it is not new to this city and to this province. If I may remind this House, this matter, no doubt in a narrower form, was raised about eight years ago in the Corporation and, if I am permitted to add, I had the honour to raise it and to pilot what was then known as a comprehensive electrical scheme of the Corporation. I am glad to find one member of that body here this evening who, after the recital of the facts and figures, got up to support the Congress proposal regarding the comprehensive electrical scheme—I refer to Mr. George Morgan. This subject was raised eight years ago in the Corporation, and then it was said that the rates charged by the Electric Supply Corporation were the irreducible minimum. As soon as the comprehensive electrical scheme was passed by the Corporation of Calcutta, the irreducible minimum was reduced by six pies per unit. A short time later, it was further reduced by another six pies per unit, and then you can well imagine what happened to that irreducible minimum. We then demonstrated, and demonstrated to the satisfaction of those who occupied the opposite benches in the Corporation, with the help of facts and figures that it was possible to supply electricity at a uniform rate of one anna per unit for domestic purposes, and we still maintain that view. The causes, some of the causes, which contributed to the high charge were enumerated on that occasion, and I need not repeat them. On that occasion I had the support of Mr. Morgan when I recited the facts and figures, and on this occasion, too, I hope I shall have his support. The high charges were due to each of the Directors drawing Rs. 30,000 to Rs. 40,000 per annum as Director's fees. The high charges were due to the offices in Calcutta and the offices in London. The high charges were due to the maintenance of a big staff of highly salaried officers here and a big staff there - a big staff which has nothing to do with the work of the Electric Supply Corporation here. I still remember what Mr. Morgan said on that occasion when he got up. He said "I have heard the facts and figures recited by Mr. Bose, and I get up to support his amendment." I hope he will be consistent to-day.

It has been said by the Hon'ble the Commerce Minister, "Oh, the Corporation's tender is childish." I am afraid the Hon'ble Minister overlooked the terms of the section when he came to examine the details of the tender. He said that the value of the undertaking was considerably more than what the Corporation had assessed. The Act lays down that the value of the undertaking has to be determined, in case of a difference or dispute, by arbitration. What does it matter, I ask, whether the Corporation were meticulously right in their estimate or it were not. The matter would be decided by arbitration. The only question to be considered is: Has the Corporation the resources to purchase the undertaking? And on that question can it be doubted

for one single moment that a body whose revenue is nearly 3 crores of rupees has not got the financial power to back this undertaking? The Hon'ble the Commerce Minister has gone into details. Details are not relevant at the present moment. What is relevant is whether sanction is to be given; and that sanction, I submit, has to be given on the financial strength of the body.

The Hon'ble Mr. H. S. SUHRAWARDY: If the tender is for two crores of rupees, and by arbitration it is subsequently found that the value of the undertaking is four crores of rupees, will that tender stand?

Mr. SARAT CHANDRA BOSE: Have you estimated it? It may be that the Calcutta Electric Supply Corporation value their concern at four crores of rupees, but surely it is within the region of possibility that the arbitrators will value it at two crores of rupees, the figure mentioned in the tender. How can you say that it is four crores and not two crores?

Sir, this evening I have heard about the Corporation of Calcutta being a discredited body. Now, Sir, let it ever remain a discredited body if one single fact is handed down to history that the Corporation was able to make a saving of Rs. 24 lakhs per annum for the rate-payers of Calcutta. (Cries of "Hear, hear" from Congress Benches.) Let it ever remain a discredited body if the fact goes down to history that the Corporation has attended to the health and sanitation of the people to an extent which was never dreamt of in the days of the official-ridden Corporation. Let it ever remain a discredited body if the fact is handed down to history that it has contributed to the education of the poor and the needy in this city. Let it ever remain a discredited body if the fact is handed down to history that it had the support, almost the unanimous support, of the rate-payers of Calcutta, both Hindus and Mussalmans (applause from Congress Benches and cries of 'no', 'no' from some members of the Coalition Party). Sir, I take up the challenge on behalf of the Congress Party and on behalf of the citizens of Calcutta. Let there be a fresh election of the Corporation of Calcutta to-morrow. The Congress will put up candidates from both communities, Hindus and Mussalmans. Let us see for whom the rate-payers vote whether they vote for the Congress candidates or for the non-Congress candidates. Sir, only recently, Howrah has demonstrated the strength of our following. 23 out of the 24 seats, including both Hindu and Muhammadan, have been captured by the Congress. (Cries of "Hear, hear" from Congress Benches.) Much is made of the fact that we congressmen want to bring our party-men in power. It may be so, but we do not want to conceal any fact. Where we find that our party-men have not been diligent we call

them to order. You may take advantage of that, but there is nothing to be ashamed of in it, because we want our party-men to set up an ideal in industry, in energy and in honesty, the like of which was never known in the days of the old Corporation; and where we find any of our party-men falling short of that ideal we call him to order, and we shall call him to order until we cease to exist.

Sir, I do not propose to detain the House for more than the time you have allotted to me, but I would ask the House to consider: Is it not time that this public utility service should be nationalized or, at any rate, municipalized?

If you all agree—if both sides of the House agree—that it is high time to do so, then there is one answer, and the answer should be that the House should adjourn. I hope by your votes you will demonstrate that you are not giving mere lip-sympathy to the ideal of municipalisation or nationalisation. I hope by your votes, you will demonstrate that you adhere to the principle until all the services—all the public utility services of Bengal—whether in Calcutta or elsewhere—are municipalised or at any rate nationalised. So far as the Government are concerned, they have the power to purchase the undertaking. Why should not they say that they would exercise this power here and now and say that they will not allow a profiteering company to go on for another 10 years and draw Rs. 24 lakhs annually out of the life-blood of the people for the same period? If the Ministry has any concern for fairness and equity, if the Ministry has any concern for the rate-payers of the province, if the Ministry has any concern for the well-being of the province as a whole, I would submit that it is up to them to say at once, "Well, though we may not have agreed so far as your demand that sanction should be given to the Corporation to purchase the undertaking is concerned, we are with you when you say that we should take steps not merely to municipalise the industry but to nationalise it and we shall do so within the next few years."

The Hon'ble Mr. H. S. SUHRAWARDY: I accept it.

Mr. SARAT CHANDRA BOSE: Accept it when?

(**Voices:** The question may now be put.)

Mr. SPEAKER: The question before the House is that the question may now be put.

The motion was put and agreed to.

Mr. SPEAKER: The question before the House is that the business of the House be adjourned to discuss a definite matter of urgent public importance, viz., the situation that has arisen in consequence of the recent refusal of the Government to accord their sanction to the proposed electrical schemes of the Corporation of Calcutta communicated in their letter No. 1022 Com., dated the 29th January 1938.

The motion was put and a division taken with the following result:—

AYES.

Abdul Hafeez, Khan Bahadur Syed.
Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Adul Fazal, Mr. Md.
Aftab Ali, Mr.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerjee, Dr. Suresh Chandra.
Banerjee, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chakrabarty, Mr Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khaitan, Mr. Debi Prosad.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Banku Behari.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mookerjee, Mr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. H. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.

Abdul Kader, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hosain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hosain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Anderson, Mr. J. P.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Barma, Babu Prombari.
Brasher, Mr. F. C.
Campbell, Sir George, Kt.
Chippendale, Mr. J. W.
Crossfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhat Bano Khanam, Begam.
Faziul Huq, the Hon'ble Mr. A. K.
Faziul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman Muktear, Mr.
Griffiths, Mr. C.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr Rogers.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Hoffman, Mr. F. T.
Idris Ahmed Mia, Mr.
Ispahani, Mr. M. A. H.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kennedy, Mr. I. G.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Milne-Robertson, Mr. C. E. L.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Mr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hosain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswal Haque, Mr. Syed.
Mustafa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Srish Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Naushor Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Noeruddin, Mr. K.
Norton, Mr. H. R.
Patton, Mr. W. C.
Raikat, the Hon'ble Mr. Prasana Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Ross, Mr. J. B.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja.
Shamsuddin Ahmed Khandkar, Mr.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tofel Ahmed Choudhury, Maulvi Haji.
Wahiur Rahman, Maulvi.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

Ayes being 80 and Noes 122, the motion was lost.

Mr. SPEAKER: I might inform the members of the House for their information that Government do not intend to have any sitting on the 10th February in view of the fact that the Id will take place

a day earlier than it was originally fixed. In other words, there will be no sittings on the 10th, 11th, 12th and 13th and the Assembly will meet on the 14th. A circular embodying the actual agenda will be circulated after we receive the formal communication from Government. For the convenience of the members I inform the House of this in advance.

Adjournment.

The Assembly was then adjourned till 4-45 p.m., on Wednesday, the 9th February 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 9th February 1938 at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the 11 Hon'ble Ministers and 218 members.

STARRED QUESTIONS

(to which oral answers were given)

Kanchrapara Technical School.

*8. **Mr. SERAJUL ISLAM:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) whether it is a fact that the Technical School at Kanchrapara is maintained by the Bengal Government;

(*ii*) that this school is meant primarily for training the railway apprentices; and

(*iii*) that there is one such school at Sibpur?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of—

(*i*) making their recruitments from the Sibpur School;

(*ii*) closing up the said Technical School at Kanchrapara; or

(*iii*) urging upon the Railway authorities to maintain the Technical School at Kanchrapara?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*)(*i*) The Kanchrapara Technical School is maintained jointly by Government and the Eastern Bengal Railway. The Railway bears the entire cost of the practical training and the upkeep of the hostels.

(*ii*) No. It is meant primarily for the training of apprentices in mechanical engineering.

(*iii*) No. There is no technical school at Sibpur. There is an Engineering College at Sibpur which is intended to serve a different purpose.

(*b*) (*i*) Does not arise.

(*ii*) and (*iii*) No. The question of the allocation of charges between Government and the Eastern Bengal Railway is however being re-examined.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there is any Board of Control for technical schools over the whole province including the Eastern Bengal Railway Technical School at Kanchrapara?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes. The Board of Control is appointed by Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the Board of Control at this moment is being revised or there is any proposal for examining the proper constitution of this Board?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The Board is a continuous Board, but when necessity arises it is revised.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what is the curriculum of the Kanchrapara school—whether it is a purely railway engineering school?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It imparts mechanical and practical training.

Dr. NALINAKSHA SANYAL: Not electrical training?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Alms House.

***9. Babu NARENDRA NARAYAN CHAKRABARTY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that the present Sukea Street police-station situated at Amherst Street is a part of the old Alms House intended for the use of the destitute and the helpless poor persons of Calcutta?

(*b*) Is it a fact that the Alms House was a public institution created by public donations of persons such as Raja Radha Kanto Dev, Sir Jijeebhoy Tata, Prince Dwaraka Nath Tagore and others in 1840?

(*c*) Is it a fact that the part of the said Asylum was acquired and converted into the present police-station by the Government during the civil disobedience movement?

(*d*) If the answers to (*a*) to (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate abolishing the police-station and converting it again into its former position?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) The buildings of the old Alms House were completed in 1842 at a cost of Rs. 28,115, the public subscribing Rs. 16,610 and the balance being met from the General funds of the District Charitable Society which received a Government grant of Rs. 1,200 a month.

(*c*) The land was relinquished by the District Charitable Society in 1925 in consideration of the land provided by Government for the Society at Tollygunge and of the sum of Rs. 5 lakhs paid by Government to the Society.

(*d*) Does not arise.

Welfare Department.

***10. Mr. J. N. GUPTA:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) if any one has been appointed for the Welfare Department; and

(*b*) if so—

(*i*) what is the name of the person appointed; and

(*ii*) what is his qualification?

MINISTER in charge of DEPARTMENT of COMMERCE and LABOUR (the Hon'ble Mr. H. S. Suhrawardy): (*a*) There is no Welfare Department as such. The Labour Department as a whole is charged with promoting the welfare of labour.

(*b*) Does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state who is Mr. Surita?

The Hon'ble Mr. H. S. SUHRAWARDY: He has nothing to do with any of the Government departments.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state if he has appointed any man to promote the welfare of the labour?

The Hon'ble Mr. H. S. SUHRAWARDY: No specific person has been appointed. As I pointed out the entire Labour Department with all its officers are charged with the promotion of the welfare of labour.

Deputy Superintendent of the Dacca Medical School.

***11. Babu NAGENDRA NATH SEN:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether Khan Sahib Maijuddin Ahmad is still the Deputy Superintendent of the Dacca Medical School; and

(*b*) if so, is there any chance of his transfer to some other district?

MINISTER in charge of DEPARTMENT of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) Yes.

(*b*) There is always a chance of every officer of Government being transferred at any moment in the interest of public service.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state in view of the report of the Enquiry Committee by Mr. Tyson received in May last (as he was pleased to state day before yesterday) whether it is not desirable that this gentleman, Khan Sahib Maijuddin Ahmad, should be transferred to some other place?

The Hon'ble Mr. SYED NAUSHER ALI: As I have already replied to a question of Mr. Sen in this very House on the 7th February, the report is still under consideration and no transfer of this officer is under contemplation.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether he is ready to transfer the said officer in view of the unpleasant situation created by him?

Mr. SPEAKER: It is a request for action and does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state how long Khan Sahib Maijuddin Ahmad has been at Dacca in that post?

The Hon'ble Mr. SYED NAUSHER ALI: It is very difficult for me to answer off-hand without proper notice. I think it is a term appointment and the term will not expire before October next.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Khan Sahib Maijuddin Ahmad is no longer the Superintendent of the girls' school in connection with which there was this unpleasant incident?

The Hon'ble Mr. SYED NAUSHER ALI: I am not aware of it.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to consider the desirability of transferring that gentleman because of the unpleasant situation?

The Hon'ble Mr. SYED NAUSHER ALI: I do not think that because certain allegations have been made against an officer it is desirable that he should be transferred.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if the transfer of the officer concerned is not long overdue?

The Hon'ble Mr. SYED NAUSHER ALI: It is not.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not a fact that the finding of the Magistrate has been against this officer's conduct?

The Hon'ble Mr. SYED NAUSHER ALI: I have already stated that the report is under consideration, and I had no opportunity of reading the report; I have given the reasons also; but I can tell the hon'ble member that since I gave that reply I have glanced over the covering letter and the concluding portion of the report and it appears to me that the charges have not been substantiated.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the volume of opinion against this gentleman is not sufficient to transfer him?

Mr. SPEAKER: That is quite a different matter.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether there is any chance of his promotion soon?

(No reply.)

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state if his attention has been drawn to the false statement in the *Amrita Bazar Patrika* that the Hon'ble Minister has been sitting over the report over a long period?

Mr. SPEAKER: You cannot ask a question on the basis of a newspaper report.

Amount realised from defaulting touzi-holders in Bakarganj in 1937.

*12. **Mr. SADARUDDIN AHMED:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what amount has been realised from defaulting *touzi*-holders as penalty in the district of Bakarganj during the year 1937?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): Rs. 2,481-14-3.

Rate per acre of the lands of Char Madras and Char Fasson in Bakarganj.

*13. **Mr. SADARUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the rate of rent per acre of the lands of Char Madras and Char Fasson in the district of Bakarganj is uniform?

(*b*) If not, what are the reasons for the difference in rates?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) *Char Madras.*—The rate is uniform except for an area of 70 acres of lands of lower fertility along the banks of *khals*.

Char Fasson.—In this estate the rates of Rs. 3-2 and Rs. 4-0-2 per acre had been current in Parts I and II, respectively, since 1910-11, while the rate of Rs. 3-2 was introduced in Part III from 1920-21. At the recent settlement it was found that under section 30(*b*), Bengal Tenancy Act, these rates could be enhanced to Rs. 4-1, Rs. 5-4-6 and Rs. 3-7-2, respectively. But having regard to the low prices of paddy and in consideration of the prevailing rates in the neighbourhood and the decided superiority of the soil in Part I, the rate of Rs. 4 per acre has been adopted in Parts I and II and in Part III the old rate has been maintained.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Ration of prisoners in jails.

2. Maulvi ABDUR RAZZAK: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if eleven *chataks* of rice is given to a prisoner in jail; and

(*b*) if so, are the Government considering the desirability of increasing the ration?

The Hon'ble Khwaja Sir NAZIMUDDIN: The hon'ble member is referred to the provisions of the Jail Code and in particular to Jail Code rules 1095 and 1092 which will be found in the Library. The scales vary for different classes of prisoner under different conditions and are adequate.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the rations supplied to different classes of prisoners are inadequate?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if it is in the contemplation of Government to revise the Jail Code so far as the ration to prisoners is concerned?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Dr. SURESH CHANDRA BANERJEE: Is the Hon'ble Minister absolutely sure that this amount of eleven *chataks* of rice is given to the prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: What has been provided in the Jail Code is given to the prisoners.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether the report that the prisoners inside the jail do not get 11 *chataks* is not correct?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not heard of any complaint to that effect.

Babu NARENDRA NARAYAN CHAKRABARTY: Is the Hon'ble Minister aware of the fact that the provisions of the Jail Code are not complied with in regard to division——

Mr. SPEAKER: The question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to explain the term "different classes of prisoners" in line 4 of his answer? Does he mean Division I, Division II, Division III prisoners? Or does he mean prisoners of Bengal, Behar or Punjab?

The Hon'ble Khwaja Sir NAZIMUDDIN: Divisions I, II and III.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that the people of Bengal generally take 8 *chataks* of rice per meal daily thrice?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know what they generally take.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to appoint a Board to enquire into the fact whether from 11 *chataks* of rice something is taken back?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think there is any necessity for an enquiry of this kind.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that there are two cups which are called *katas* according to the Jail Code by which this rice is given to the prisoners? There are two cups: One contains five *chataks* and the other 3 to 3½ *chataks* of rice.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what is the basis of his statement that this rice is adequate?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have seen the rice and I think it is adequate.

Maulvi AZHAR ALI: Will the Hon'ble Minister be pleased to state what is the average daily ration of the hon'ble members?

(Laughter.)

Adjournment motion.

Mr. TULSI CHANDRA GOSWAMI: Mr. Speaker, Sir, I have your permission to move the adjournment of the House and I wish to seek the leave of the House for my motion that the business of the House be adjourned to discuss a definite matter of urgent public importance, namely, the death of Harendra Munshi, lately a prisoner on hunger-strike in the Dacca Central Jail.

Mr. SPEAKER: Have you got my consent?

Mr. TULSI CHANDRA GOSWAMI: I have your consent, Sir.

Mr. DHIRENDRA NATH DATTA: May I have the leave of the House for my motion that the business of the House be adjourned for the purpose of discussing a matter of urgent public importance, namely, the arrest of Mr. Niharendu Dutta Mazumdar, a member of this House, and his co-workers on their arrival at the Comilla railway station on the 2nd February last who went there to organise a peasants' conference which was proposed to be held at Comilla?

Mr. SPEAKER: Have you got my consent?

Mr. DHIRENDRA NATH DATTA: Yes, Sir.

Mr. SYED JALALUDDIN HASHEMY: I beg to move a motion of adjournment of which I have got written permission from you:

"That the business of this Assembly do now stand adjourned to discuss a definite matter of urgent and public importance, viz., the risks of restriction on the free and public expression of opinion by members of this House and encroachment upon the right of such members to openly criticise the actions of the Ministry without risks to personal safety and security as evidenced in the instance of an assault upon a member of this House in a meeting at Iswarganj, Mymensingh, addressed by and in the presence of the Chief Minister to the Government of Bengal."

Mr. SPEAKER: Have you got my consent?

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir

Mr. SPEAKER: Please hand it over.

(It was handed over.)

Mr. SPEAKER: When did this occurrence take place?

Mr. SYED JALALUDDIN HASHEMY: It took place at Iswarganj only two weeks back.

Mr. SPEAKER: I am afraid, you have neither touched on it nor given any written statement which is absolutely necessary. Under rule 107, you have to hand over the consent of the Speaker with a written statement containing the necessary details.

Mr. SYED JALALUDDIN HASHEMY: I can do that immediately.

Mr. SPEAKER: It is no use, because I have got to decide immediately; that is my difficulty.

Mr. SYED JALALUDDIN HASHEMY: May I submit that this is a matter of recent occurrence and I hope that all the members of this House are aware of it? I did not mention the details because I thought that the volume of the motion would increase. For this reason I did not mention the details.

Mr. SPEAKER: I am afraid, the Speaker has no eyes to see and no ears to hear except what he sees or hears in this House. I have not before me a definite statement as to the date of this occurrence. There is no written statement nor is there any mention of the date and even though all the members may know of it I am working at a disadvantage. First of all I have to decide whether the matter is urgent and whether you have utilised the first available opportunity of bringing forward this motion. I am afraid you have not supplied the full materials, and I must hold that for the time being the motion is not in order.

The Hon'ble Mr. A. K. FAZLUL HUQ: May I pray that the motion be admitted, so that I may explain——

Mr. SPEAKER: Mr. Hashemy may renew this matter, I may consider it when the written statement is supplied.

The Hon'ble Mr. A. K. FAZLUL HUQ: I hope he will.

Mr. SPEAKER: You may renew the matter next week, if you so wish.

Mr. Datta, your motion is ruled out for exactly the same reason. You have not given any written statement by which I could judge the urgency of it.

There is another reason. I find that notice of a special motion has been given by Dr. Nalinaksha Sanyal, if I mistake not. I have got the notice just now and in view of the fact that the same matter is likely to arise in that connection the question of an adjournment motion does not arise at all.

Mr. Goswami, you have got my consent to moving your adjournment motion. I want to know now what is the urgency about this matter.

Mr. TULSI CHANDRA GOSWAMI: Sir, on the 29th of January last a prisoner in the Dacca Central Jail died as a result of hunger-strike, and as this is the earliest opportunity in which I could bring this matter up before this House, I take this opportunity of doing so and I ask the leave of the House to move my motion. I have your consent already so far as the text of the motion is concerned.

Mr. SPEAKER: I am satisfied that the motion is in order, and I ask whether it is the pleasure of the House that leave should be given to Mr. Tulsi Chandra Goswami to move the adjournment motion regarding Harendra Nath Munshi. Is there any objection?

There being no objection, leave is given to Mr. Goswami to move his adjournment motion. I fix 6 o'clock as the time to-day when the motion may be moved, that is, immediately after the prayer interval, as I propose to adjourn at 5-45 for prayer and after that to take up the adjournment motion

Dr. NALINAKSHA SANYAL: May I have your consent, Sir, and the consent of the Hon'ble Minister in charge with regard to my special motion that this Assembly desires that steps should be immediately taken to enable Mr. Niharendu Dutta Mazumdar, a member of this House, to attend meetings of this Assembly? This is a question of privilege, Sir, and in view of that I claim that my motion should have precedence over all other business of this House.

Mr. SPEAKER: Dr. Sanyal, I got your notice to-day just as I came here. I do not think that there is any urgency in this matter, it being a matter of privilege. I propose to take it up immediately after question time next meeting day and discuss and find out whether the motion is in order.

Dr. NALINAKSHA SANYAL: This is a matter of great importance, because a member of this House is in jail. He is clapped up in prison under certain executive orders, and he has not been given bail. I therefore submit that this matter is so very urgent that if we wait till Monday next——

Mr. SPEAKER: Well Dr. Sanyal, if you insist on it, I would like to know first whether you have got the consent of the Hon'ble Minister in charge, my consent coming in after the Hon'ble Minister in charge has given it.

Dr. NALINAKSHA SANYAL: Sir, I have duly handed over several copies of my special motion this afternoon for distribution at 2 o'clock, and I hope that one such copy has reached the hands of the Hon'ble the Home Minister.

Mr. SPEAKER: Dr. Sanyal, surely you cannot expect, circumstance as we are that within two hours it will be possible for our department to send round copies to all concerned! There are also many adjournment motions to be dealt with and to be placed before me, before they are admitted. But if you have got the consent of the Hon'ble Minister even now, I am prepared to consider whether I should give my consent.

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. Whether the Hon'ble Minister gives his consent or not, Dr. Sanyal raised this point two days ago, and you, Sir, were pleased to say that you would consider this question and give your ruling on that point of privilege. May we have that ruling to-day, Sir?

Mr. SPEAKER: I was prepared to give my ruling but will not do so now, in view of this motion; as this matter is likely to come up for discussion in this House, the Speaker should be the last person to intervene with his opinion in a matter in which he is likely to have the opinion of this House, and as such I refrain from giving my ruling on this point.

Dr. NALINAKSHA SANYAL: Sir, may I know if this motion is not admissible and whether I have got the consent of the Hon'ble Minister?

Mr. SPEAKER: I have to take the usual steps in this matter. You have given notice under section 102, have you not? I will send your motion to the department concerned, and will take it up in order at the earliest possible date, namely, on Monday next. In the meantime if you can succeed in getting the consent of the Hon'ble Minister at any stage your motion will get precedence over all other business of the House.

Dr. NALINAKSHA SANYAL: Thank you very much, Sir.

Mr. SPEAKER: We will now resume discussion on Mr. Abdul Bari's resolution.

NON-OFFICIAL BUSINESS

RESOLUTION.

(On matters of general public i.....)

Mr. SASANKA SEKHAR SANYAL: Sir, I rise to accord my qualified support to Mr. Abdul Bari in the matter of his resolution regarding reduction of rent. The support that I give is qualified, because I do not endorse his proposal for a Committee, and because he wants to introduce officials in this Committee. Sir, even if a Committee were necessary, I do not think that officials should be there. I suppose my friend believes that the officials could help the Committee with their experience of handling the rent problems and with their general experience in other departments of rent questions, but all the same my friend should realise that these officials are public servants and they are bound to place at the disposal of any Committee the benefit of their experience and the benefit of their knowledge of affairs. I would, therefore, appeal to my friend to consider that in the past we have had enough of officials and officialism in every sphere of our lives, and the less of these things we have now, the better both for ourselves and for the officials themselves. In the second place, the case for a reduction in rent is so straight and strong that we can decide the matter even here and now, and it would serve no useful purpose to put the matter into the hands of a Committee in order to wait for as long as six months to do what we can do to-day!

Sir, I will deal with only one aspect of the question on the lines of resolution No. 122 which stands to my credit. We know—every one in Bengal knows—very painfully that during the last 15 to 30 years by far the vast majority of the tenancies have been subjected to an indiscriminate increase in rent on the ground of a rise in the prices of staple food crops. In the first place, there was no justice for such enhancement because if there was any enhancement or rise in the price of food stuffs, there was nothing that stood to the credit of the landlords. The landlords did nothing in the matter and there is no reason, there is no justice, there is no equity, and there is no sense why landlords should stand upon any extra income of the tenants and take a portion of this supposed extra income. Rise in prices depends,—as it will always depend upon various world factors in the market, and the extra money income that the tenants had in the shape of a rise in the prices is not an unmixed blessing, because a rise in the price of food crops has always been accompanied by a rise in the price of other commodities and necessaries of life. We know, Sir, that during the war period when crops sold at a high price, the tenants had to pay heavily for their clothing, for the bare covering of their nudity, and they had to pay heavily for their medicine and to pay

heavily even for purchasing their hurricane lanterns. So the paper income which was increased did not come so much as a blessing, as it came as a torture, and it was the height of injustice for the legislature to allow the law courts to enhance rents only from the point of view of an increase in the paper income without looking at all the spheres of lives through which the tenants had got to pass, and what is the condition now? Prices have fallen very miserably, they have come down gradually, and to-day the price is so abnormally low that the rent has become a burden on the tenants, but this enhancement remains there. Years since the basis of this enhancement which led to this increased prosperity on the part of tenants has disappeared; the supposed prosperity too has disappeared, but the Prosperity Tax is there. I do not think that there is any justice in this matter and we can straightaway proceed to this question, and at least resolve that the enhancements which have been imposed upon the tenancies on the ground of an increase in the price of food stuffs should be rescinded altogether. Probably the Hon'ble the Revenue Minister will answer to say that there is a provision in the Bengal Tenancy Act—section 38 which gives an opening for the tenants to get reduction in rent on the ground of a reduction in the price of food stuffs. That shows the helplessness of the tenants. I challenge the Hon'ble the Revenue Minister to find out a single instance in the history of Bengal where a landlord has amicably agreed to a reduction of rent on account of the pitiable condition of his tenants, to find out a single instance in which a tenant has been able to go to the law court in order to seek a reduction of rent. We have heard a lot about the down-trodden peasantry, we have heard a lot about the landlords. I appeal to the landlords that it is time for them to come forward with boldness and initiative and admit frankly that the law allowed them for a long time to exploit and that they did exploit but now they want that the law must be remedied and that the exploitation must be stopped. There must be something done to save the down-trodden peasantry not only from misery but also from helplessness. It is time for the landlords and the Ministry and for us all to realise that the landlords and the tenants must come to terms. I make a particular appeal to my landlord friends to come forward and take a lead in this matter. I do not propose to take much time of the House, but with these few remarks I accord my whole-hearted support to the resolution, although I must say that it is not very happily worded.

Mr. M. ASHRAFALI: I am of opinion that a Committee should be constituted to enquire into the existing rent with a view to devise ways and means for the proper reduction of rent. It is without doubt that the whole country is wanting that the tenant's rent should be reduced. That has been the cry from a long time, the reasons for it I need not unnecessarily discuss here because everybody knows it. I

only say that "*vox populi*" is "*vox dei*". When so many persons have been crying for this thing, we must lend our ears to them. I must say that there are some such landlords who have enhanced the rents of the tenants to a very exorbitant, rather unconscionable extent. It is high time therefore that some sort of committee should be appointed to devise ways and means as to how the rent can be reduced. I whole-heartedly support the resolution.

Mr. ABDUL WAHAB KHAN: Mr. Speaker, Sir, in rising to support this resolution at the outset, I thank the Merciful Providence that this most important resolution has got precedence over all other resolutions of the session. This surely prophesies good luck for the rack-rented tenants and augurs well for the future cordial relations as between the landlords and the tenants. You know, Sir, that the tenants are good paymasters; they have got willingness to pay, but the present rate of rents in some districts is out of all proportion to the amount of the produce. It is a well-known proposition that the rent should be fixed at a certain ratio of the amount of the produce that the cultivator gets. The cultivator cultivates his land for the benefit of himself as well as the State. So if this poor cultivator does not get any benefit for himself, where does he stand? I will only place a few salient points instead of going into details at this stage. On the floor of the House in September last I spoke about the rack-renting in khas-mahal areas, particularly in the district of Bakarganj. The periodical revisional settlements have raised the rents to such an extent that the tenants cannot bear the burden any longer. Even when the prices of crop had gone down and the poor tenants were dragging a miserable state of existence, ill-fed and ill-clad, the revisional settlement officers went on merrily increasing the rent without any regard for section 35 of the Bengal Tenancy Act. These over-zealous officers have brought discredit upon the entire revenue policy of Government and have caused great disaffection among the tenants. These very officers again have got high appreciation from Government. Troubles necessarily arise at the time of realisation of rent. In my district, that is the district of Bakarganj an *ex*-military man was employed to realise rents. That particular officer was a terror to the poor cultivators and was described as a *Kana Deo*, i.e., blind genii. For fear of oppression and for the sake of *izzat*, the poor people paid their rents by selling even the ornaments of their womenfolk. But now all their resources have been exhausted and they can no longer bear the burden Government have always stuck to the old policy of accepting as fair and equitable the apparently exorbitant rate of rent of the raiyats fixed by the tenure-holders during the boom prices of paddy. In many cases, joint petitions of tenure-holders and tenants for reduction of rent, were rejected and tenure-holders' rents were fixed on the basis of the paper rents which were never realised. It would be a pity, Sir, if in these days,

this state of things is allowed to continue. We expect a change, Sir, at the earliest and we want an immediate indication of that change. Revisional settlement proceedings in khasmahals, are still being continued with unabated zeal by Settlement Officers whose only duty is to increase the Government revenue at any cost and that is how they justify their existence.

Section 30B of the Bengal Tenancy Act which was once regarded as the strongest and surest ground for enhancement should no longer be applied in these days of depression. My points are (*i*) other things not being equal, a rise in the price of staple food crop is no good ground from the economic point of view; because the prices of other commodities such as cloth, oil, etc., always increase along with the increase in the price of paddy and rice. Moreover, a rise in the price of paddy and rice does not go to improve the financial position of the tenants whose holdings are so small that they have no surplus crops to sell. Even in their case enhancements have been made. (*ii*) Staple food crop is now, however, the staple crop of each and every district. For example, jute is the staple crop of Mymensingh, but it is not the food crop. (*iii*) As regards statistics, the mode of collection of figures for the price of the staple food crop, by Government on the basis of which rents are enhanced, is not at all accurate. The reasons *inter alia* are that prices at subdivisional markets are taken into account. The prevailing prices at the outlying markets where transport facilities are difficult and where prices are far low, are not taken into consideration. (*iv*) The market price of rice is gathered and not of unhusked paddy in which form cultivators have to part with their produce at a lesser value for payment of debts, rents and other liabilities. Hence the basis of enhancement of rent on the price of rice which sells at a higher rate is not fair and equitable. The provision in section 32 of the Bengal Tenancy Act, of statutory reduction of one-third, should be increased by one-half at least.

The system of flat rate of rent is most inequitous and most unfair. Lands should be classified according to productivity or fertility of the soil, by Government agency, and different rates of rent for different classes of land should be made. One of the main reasons for the sale of the holdings of tenants is that they can no longer bear the burden of a flat rate of rent. To my mind, Sir, a developed estate which is 500 acres or more in area should come under soil mapping and an undeveloped estate, that is a newly formed *char* land, which is not yet brought under cultivation can be governed under a flat rate.

Sir, my next point is (*a*) that there should be formation of co-operative holdings, (*b*) that there should be formation of societies which can hold up or sell the produce as they think best. (*c*) Spinning and weaving is the only home industry which the cultivators can develop during winter months and inclement days when they sit idle. Further, (*d*)

attempts ought to be made for the consolidation of holdings. Now, if the rents are assessed or fixed at a certain ratio of the gross produce, I submit, Sir, the taxable capacity of the tenants will increase and their standard of living will be higher. These tenants will be able to consume more industrial goods. Thereby they will indirectly help the expansion of industries and help the solution of unemployment problem to a certain extent.

In conclusion, Sir, I would say that the resolution has come quite in the fitness of time and things, and I appeal to the Government for immediate action in the matter and to tackle the problem of rack-renting in the entire province, by forming a Committee as proposed and that Committee, as the resolution proposes, should submit its report in course of six months and not sit tight; but no longer time should be taken for conclusion of the report. That is all I have to say.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Speaker, Sir, I have no doubt——

Kumar SHIB SHEKHARESWAR ROY: Sir, as this matter relates to the landlords, we should be given a chance.

Mr. SPEAKER: I cannot help it when the members have agreed to the adjournment motion at 6 o'clock. I find that I will have to rise at about 5-45 p.m. for prayer interval, and thereafter the matter cannot be taken up. As there is no other day, I am afraid I must give the Hon'ble Sir Bijoy Prasad the chance.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Speaker, Sir, I have no doubt that the hon'ble the mover of the resolution will go down in the history as one of the greatest friends and benefactors of the peasantry of Bengal. I feel jealous of him, because as one not in a position to see eye to eye with him on every point on this question I have no claim to that immortality. Sir, the Maulvi Saheb in commending his motion to the acceptance of the House painted a very gloomy picture. I venture to think that he painted it too thick. In his opinion the Bengal peasant from the early morning till he goes to bed does nothing but pays taxes beginning with the price of the *gamcha*. Sir, Government do realize that probably in some parts of Bengal and in some particular cases there is a reasonable justification for an enquiry into the rate of rent, though they do not admit that the rate of rent in general is high, and they do not admit that the Bengal peasantry is groaning under heavy burden of rent. (Dr. NALINAKSHA SANYAL: Is it your personal opinion, or is it the opinion of Government?) It is not a question of opinion, but it is a question of fact. No body can have any opinion on a matter like this.

Sir, I hold in my hand figures which will clearly show that the rate of rent is by no means generally very high. I will just illustrate my point. I will quote one or two figures. For instance, Sir, in the district of Bankura where the productivity of the soil is supposed to be very low, the average gross value of the produce per acre of land is Rs. 47 even in the present market. (Dr. NALINAKSHA SANYAL: Absurd, your figures are all wrong.) Sir, I hope the hon'ble member will kindly allow me to speak. The rate of rent of that district per acre is only Rs. 1-12. Similarly, Sir, in the district of Midnapore the value is Rs. 48 whereas the rate of rent is Rs. 3-2. Sir, from these figures the hon'ble members will have no difficulty I am sure in inferring what is the proportion between the gross value of the produce and rent. (A MEMBER FROM THE OPPOSITION BENCHES: What about Barisal, what about Burdwan?) I will ask the House to take into consideration the case of a district like Mymensingh or a district like Dacca which produces jute. Now, taking the average yield per *bigha* at 5 to 6 maunds, and the value of jute according to the present market at Rs. 5, how much the tenant gets, and what is his rent? The rate of rent is only Rs. 2-13. That shows conclusively, I am sure, that the general rate of rent is by no means very high; but at the same time Government do realize that there may be cases where the rate of rent is high, and they require investigation and enquiry. Now, Government in anticipation of the general demand and in anticipation of the resolution that has been moved by the hon'ble member were considering the question of appointing revenue officers under the powers they have under the Bengal Tenancy Act, namely, under section 112 of the Bengal Tenancy Act. Sir, the House will realize that the rent cannot be fixed *ad hoc*. There must be a thorough and minute enquiry with reference to various facts and circumstances. The whole question will have to be carefully weighed before the rate of rent can be fixed or varied. So Government decided that in those areas where there are reasons to believe that the rent is high, they would appoint revenue officers to enquire into the question and to fix the rate judicially under the provisions of the Bengal Tenancy Act. In our opinion that would give sufficient and immediate relief to the tenants where they require such relief. But the resolution that has been moved suggests that there should be a committee of enquiry consisting of certain number of members of this House and certain number of officials. If the House is of opinion that the appointment of such a Committee is necessary in spite of the Government decision to take action under section 112, Government have no objection in accepting the resolution though I would like to repeat that in the opinion of Government section 112 is sufficient effective.

I do not propose in view of the decision to which Government have arrived at with regard to this resolution and in view of their general attitude towards this important problem to reply to the various points that were incidentally raised and mentioned by the mover of the

resolution, namely, the question of the permanent settlement, the question of the rent intercepted by the zemindars and tenure-holders and what would be the effect on the provincial revenues if that permanent settlement is abolished.

Dr. NALINAKSHA SANYAL: But what about the *Bhaghidars*? That also will have to be taken into account.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I fully realise as I had occasion to observe that this question of rent settlement and fixing of a fair rent is a difficult one. In order to give relief to the man at the bottom, there must be ways and means for giving relief to the man above. In order to give to the man in the middle, there must be ways and means for transmitting that relief to the man at the bottom. If that cannot be done, the relief is not worth giving. I do feel that because the man who pays heavy rent is not the occupancy raiyat who is under the zemindar or the tenure-holders of the first degree but the man who is at the bottom the man at the plough. He is the person who requires the largest amount of relief (hear, hear). All these questions require careful investigation and judicial mind will have to be applied before the problem can be solved or a fair rent can be fixed, fair in the sense that fair to everybody not only to a class of people or to one section of the community. That is the view which Government hold, but at the same time Government in their anxiety in giving relief to the tenantry of Bengal anticipated the purport of this resolution and according to the powers vested in them under the provisions of the Bengal Tenancy Act they had decided to take steps. If the majority of the House decide to accept this resolution still Government will go on with their programme of appointing revenue officers under section 112, because in their opinion that will be the most effective method of dealing with the question.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, may I have your leave to make a suggestion to the Hon'ble the Minister whose resolution it is. The suggestion is this. Would he agree to the deletion of the words "both officials and non-officials of whom 5 at least should be members." That would, if he agrees to the deletion, give his motion the form that the committee should consist of not more than 9 members of this Assembly.

Mr. SPEAKER: I am afraid, Mr. Bose, it will be difficult for this House at this stage to admit that motion as you remember, there were certain amendments to that effect which were ruled out.

The Hon'ble Mr. A. K. FAZLUL HUQ: My friend, Maulvi Abdul Bari yesterday indulged in using the law of averages in working out the rent payable in various places by the tenantry to the landlords in Bengal. Whoever used the law of averages must take care that there is always a chance of being led astray and an apprehension of falling into obvious fallacies. I am reminded of a story which I may very briefly tell the House which will show how dangerous the law of averages is. A certain gentleman wanted to build a house and after he had built it he was very much perplexed as to the height of his door. He was a great mathematician and he told his engineer to take height of the population in the village and to strike an average and build a house and the door accordingly. It so happened that his son was a little taller and he was above the average, say, over six feet and this boy found it very difficult to get through the door which was constructed on the basis of law of average. He pulled down the whole house and constructed a new house with higher doors than the average.

Now, Sir, instead of going into averages we can very well admit that there are many parts in Bengal, many cases in which the rent is very high and there can be no two opinions that the question of an examination of the rates of rent in order to bring relief to the tenants has long been overdue and must be faced and solved. Realising this difficulty Government have already taken steps so far as the Khasmahals are concerned. An officer has been appointed and he is already at work in the Noakhali Islands and he has been directed to allow the tenants to come up to him and place their grievances and if he finds that the rates are high, to consult the Commissioner of the Division and take steps for immediate reduction. He will go about into the Khasmahals all over the province. Then, Sir, as regards those areas which are outside the Khasmahal Government have had under contemplation the appointment of an officer to take action under section 112 of the Bengal Tenancy Act, that is to say, empowering him under that section to reduce rents which in his opinion for any reason whatsoever, appear to be unfair and inequitable. Sir, as we are considering that question we received notice of this resolution by Mr. Bari and we thought that the appointment of an officer or officers under section 112 would meet the requirements of the situation but it is clear that there is almost an unanimous feeling in the House that there should be a committee of enquiry in order to devise ways and means for the purpose of reduction of rent. As has been pointed out and as has been announced by the Hon'ble the Revenue Minister, Government are prepared to accept the resolution in the form in which it has been moved and also to go on with the enquiries through the special officers appointed under section 112, that is to say, the fact that Government are accepting this resolution will not induce Government to be deflected from their original purpose of having enquiries made and action taken

under section 112 of the Bengal Tenancy Act. There is one small matter to which I will refer and it is the apprehension in some quarters that the appointment of this committee may lead the tenants to see that there will be an immediate reduction of rent and that they will be relieved of their obligations to pay rent. Now, Sir, that will be the most unfortunate state of affairs and I wish to make it clear, here and now, that Government have every hope and they have confidence that the members of this House will impress upon the tenantry of Bengal the obligations of paying legitimate rents to their landlords and not to withhold rents for any reason whatsoever. I say with due deference to the mover of the resolution, here and now, that as a piece of solemn warning that if Government find that in any area or in any class of business, tenants are deliberately withholding rents or the legitimate dues to the landlord, Government will suspend the operations of section 112 and also the operations of this Committee. Therefore Government hope that while on the one hand, they are doing all they can possibly do, under the circumstances in order to relieve the tenantry of their burden under which they had been groaning so long, expect the tenants on their side also will do all they can to pay regularly the legitimate dues to the landlord. I have therefore great pleasure in announcing that Government accept the resolution and will give effect to the operations of section 112 of the Bengal Tenancy Act, through specially empowered revenue officers (hear, hear, laughter).

Mr. SARAT CHANDRA BOSE: I ask, Sir, is it Government's view that officials should be on this committee?

The Hon'ble Mr. A. K. FAZLUL HUQ: On that point I should like to tell the Leader of the Opposition that we had no time to consider but we will bear in mind the suggestion that has been made by the Leader of the Opposition that the House would welcome the committee to be restricted to members of the House and as far as possible, eliminate the official elements.

Mr. SPEAKER: The question before the House is the amendment of Mr. Rasik Lal Biswas, namely: "That for the words 'into the existing rent with a view to devise ways and means for the proper reduction of rent' in lines 4 and 5, the following be substituted, namely: 'Whether the rents now paid by different classes of tenants including the tenants in Chandina lands, in non-municipal areas, are oppressive or not and also to fix what should be the proper rent of different classes of land in consideration of the revenue, fertility, production cost and other circumstances necessary for the purpose'."

Mr. RASIK LAL BISWAS: I beg leave of the House to withdraw my amendment, Sir.

Mr. SPEAKER: Is there any objection to Mr. Rasik Lal Biswas' withdrawing his amendment?

There being no objection, the amendment is withdrawn by leave of the House.

At this stage the House was adjourned for 15 minutes.

(After adjournment.)

Adjournment motion.

Mr. TULSI CHANDRA GOSWAMI: Mr. Speaker, Sir, it is, I wish to assure at the outset, in no spirit of political fussing or Minister-baiting that I rise to discuss the question which the House has agreed to discuss this afternoon. The event which is the subject-matter of this discussion is a melancholy event deplored throughout the country and I hope by all sections of the people of Bengal and of India. A man has lost his life as a result of hunger-strike in a district jail, namely, the Dacca Central Jail, within ten days of the commencement of the hunger-strike. As I said just now, it is not with a view to embarrass either the Hon'ble the Home Minister, or the Council of Ministers in general, that I propose to condemn the action of the authorities which, I take it, was responsible for the death of this man Harendra Nath Munshi.

We must realise one thing, and I think it ought to be established in this House that when people resort to hunger-strike as a result of ill-treatment in the jails, he does so only under extreme provocation. On another occasion, I used the words: It is not for fun that people seek to take away their own lives. Desperate circumstances compel people to resort to desperate measures. I have very carefully examined the communiqué which has been issued on behalf of the Government of Bengal in connection with the death of Harendra Nath Munshi. I have given it all the attention that is due to a statement which is supposed to be responsible. I notice that great importance was attached in defence of the Ministers and of the Executive to the fact that the hunger-striking prisoners in their demands included certain things which it was not in their province to demand, namely, the general political demand, such as the release of all political prisoners. If they did so, they were induced to do so by speeches and statements of Ministers that an effort was being made to release all political prisoners. Whether it is right that political prisoners should be immediately released or not, it is certainly within the province of this House to say, even if it be outside the province of the prisoners to demand. I

make a distinction between political prisoners and other prisoners very deliberately and with a full sense of responsibility too. I know that the Congress has definitely and unequivocally condemned violence of any kind and that is a principle to which our party is definitely committed, but, at the same time, we cannot forget history. At the risk of personal responsibility, I wish to say that had there not been political prisoners who had gone to the Andamans, neither my Hon'ble friend Sir Nazimuddin nor myself would have been in this House to-day. Political progress necessitated, by historical reasons, actions which we now condemn in cooler moments. I do not endorse the view that violence in any shape or form should be resorted to, but at the same time those who have expiated their crimes should be given a chance of living the lives of honourable citizens. Why people resort to hunger-strike? It reminds me of a passage in Virgil that I read in my school days which says that there is only one safety for those who have been bound down and that is never to hope for safety. And it was because of this feeling that this man Harendra Nath Munshi resorted to the extreme step which he took and which ended his life. It is undeniable that local conditions in the various jails have been oppressive. If the Hon'ble Home Minister gives us an assurance—and I shall wait anxiously for his speech—that immediate steps would be taken to improve jail conditions, and if he is further pleased to state his policy and the policy of his colleagues that the political prisoners will be given relief, I shall not worry him with a speech that is exacerbating. It is not my desire to pat the Ministers. All that I wish to say is that the man who laid down his life in order that others may live a better life, may be less molested and less worried, has achieved his end by his death; and I should be quite satisfied if as a result of his self-immolation the Ministry is moved to pity at any rate, but I do not think it is a question of pity: it is a question of political demand to release all political prisoners. But that is not the immediate issue and I am not pressing it. I wish that conditions of life in jails for convicts of whatever class should be more humane; I wish particularly that the political prisoners should be treated as political prisoners. It is with the greatest reluctance that I have to move this resolution which means a motion of censure on the Ministers. I shall avail myself of the right of reply if I have to further go into the matter after the Hon'ble Home Minister has spoken. I hope he will not disappoint us as he has disappointed us so repeatedly in the past.

Mr. BIRENDRA NATH MAZUMDAR: Mr. Speaker, Sir, so far as the subject under discussion is concerned, I am not going just at present to emulate my leader Mr. Goswami in that aspect of the question which he has so ably, eloquently and, in spite of the tragic character of the whole subject, sweetly dealt with, that is to

say, that many of us possibly and many of the Hon'ble Ministers would not have been here but for the sacrifice of these political prisoners. It is quite possible to disagree with the methods that these political prisoners adopt, but still not only here but throughout the world it is an accepted principle that there is a difference between an ordinary culprit and a political prisoner. DeValera was a political prisoner in spite of his cult of violence, and in spite of the violence exercised by him during all his life; but it was simply for the fact that he was a political prisoner and not an ordinary criminal convict that to-day he is the President of the Eire. It is a fact which it is useless to refuse to accept. It is impossible also to ignore the difference and then to say that these people are criminals and therefore they must be treated in the way they are being treated in our jails. What I mean to say is this: in spite of the violence exercised by these political prisoners, in spite of the fact of their conviction, the fact remains that they were not given the highest punishment, namely, they were not sentenced to be hanged. They were imprisoned and by that very fact the Government took upon themselves a very serious responsibility of looking to the safety of their lives. Government have got a duty to themselves and to the people at large to see that they are well-treated. With regard to this particular case, I may say that while I was in Dacca I heard various rumours that there was hunger-strike going on in the Dacca Jail. In spite of our best efforts for many days, it was impossible for us to obtain any information whatsoever as to what was being done there or what was going on within the four walls of the jail. We approached through certain friends of our some of the gentlemen who were jail visitors one after another: they said they were jail visitors no doubt for this purpose or that purpose or a third purpose, but nobody for the purpose of these political prisoners. And then somebody approached the District Magistrate. After two days they were told that there was hunger-strike—but they were doing well. So it went on because of the peculiar system in vogue at the present day under the popular Government that none of us, the members of this House, are jail visitors. There are many members here coming from Dacca, but none of them are jail visitors and they are not permitted to go inside the jail. Some people sought for permission from the District Magistrate, but in spite of that he said that he was powerless to grant any permission to any but his relatives. Even when his relatives sought permission, a distinction was made on the ground that they were not near enough to be given permission. In this way day after day we were unable to get any information as to how matters stood. That is a sort of thing which ought to be put an end to. I say this for the sake of humanity, for the good name of the Government. It may be that there were reasonable grounds for hunger-strike, may be there were not, but still when a hunger-trike goes on, I think the public, the persons interested, ought to be told the whole circumstances; the relatives of those prisoners ought to be told as to

why they went on hunger-strike and how they were and they ought further to be allowed the very first opportunity to go inside the jail and to know from the hunger-strikers themselves why they went on hunger-strike. They might, if necessary, use their influence with the strikers to stop their hunger-strike, but nothing of the sort was done. Government took no steps in that direction. On the other hand, they prevented those persons from obtaining any information whatsover. I submit that it is very wrong on the part of the Government to allow the continuance of this state of things.

The next thing I want to say is that after so much discussion during the last budget session as to the reform of the Jail Rules, we might reasonably expect that at least a Committee should have been appointed by this time to enquire into the matter and into the general grievances of the political prisoners inside the jail and to repeal or amend the Jail Rules in such a way that it may be possible for the political prisoners to live there without resort to hunger-strike. It may be said that if Government were to yield to a hunger-strike, the Government will come to an end; that is the stock argument that has always been advanced. But I again say that the Pearson Committee which was appointed some time before came to a definite decision that as soon as there was a hunger-strike, it was the obvious duty of the Government to enquire into the grievances of the strikers and then to let them know the decision of the Government. It is no use saying, as I have seen the Home Minister explaining in the papers that these people changed their grievances from time to time, and never stuck to the same grievances. Are we to understand from the Hon'ble the Home Minister that he seriously means to say that these people go on hunger-strike merely for the fun of it, simply for the purpose of seeking death? Or reasonably are we not to come to the conclusion that these hunger-strikers do it only when they find that hunger-strike up to death would be a better deliverance than remaining inside the jail? It is ordinary human knowledge and we are to proceed on that. It is a fact that things do happen inside the jail which the public are never allowed to know. When I was at Dacca I found unanimity on one point so far as the grievances were concerned. That was as regards the hospital treatment. It was such that it was not possible to bear it, and that is a point which always counts with them, when these prisoners are left there without their friends, relatives or sympathisers. When they fall ill, if they find that they are not treated well for their diseases, then what is left to them. That is a thing which very often occurs to these jails prisoners. And I submit that it is time for the Government to make an equiry into the matter. To sleep over these grievances and then for the sake of prestige to support the officers concerned, is, I submit, not a very wise thing. I do say that it is not humane either to allow such a thing to continue under an administration, which is said to be popular administration;

it is a shame, and I do believe that the present Government will take the earliest possible opportunity to remove this particular blot on their administration.

I know from my own personal experience that there are jails which are notoriously known as punishment jails, the officers of which take peculiar delight in oppressing the prisoners. They are not mere pinpricks. But it is fact that in certain jails officers are such that they do inhumanely treat the prisoners, particularly the political prisoners. It is time therefore that this atmosphere, this idea in the mind of the jail officials that they can with impunity oppress the prisoners under their care in any way they choose, is changed. This is a factor which is at the root of all these troubles. As soon as the Hon'ble Minister impresses upon these jail officials that any shortcomings on their part, any maladministration on their part would be seriously dealt with, I think, this sort of thing will come to an end in no time. But that is a thing which I always find absent in any discussion in this House on jail matters. The Ministers always support the officials and they always condemn the political prisoners who have gone on hunger-strike. To-day this Harendra Nath Munshi is——

(Here the member having reached his time-limit resumed his seat.)

Maulvi ABDUL BARI: Mr. Goswami has moved his motion very calmly, coolly, and dispassionately without any bravado whatever unlike his chief the Leader of the Party. (Cries of order, order.) I shall also try to answer and meet the point as fully as possible without introducing any heat or sentiment whatsoever in this discussion. Mr. Goswami has himself styled this motion as a censure motion on the Ministry. Whether the Ministry really deserve a censure for the death of Mr. Harendra Nath Munshi is——

Mr. TULSI CHANDRA GOSWAMI: On a personal explanation, Sir, every adjournment motion is in the nature of a censure.

Maulvi ABDUL BARI: We all deplore the death of Harendra Munshi, because he was a countryman of ours, because he was a young man of energy and spirit. (Cries of oh.) We say oh also. However, this gentleman has died. Now whether that death of his was caused by the Bengal Government or by the Ministry or was it caused by Hon'ble Sir Nazimuddin or was the death caused by any of the officers of the Government or was it called upon himself by Mr. Munshi of his own accord or was the death caused by a particular member of Government or by the negligence of Government, or by the commission or omission of Government. I call it a death committed by suicide. Now, Sir, what were the reasons for the commission of this suicide? It has been stated by Mr. Goswami that they disown all those who indulge in terrorist

activities and that they also plead with those who take recourse to hunger-strike. So far as I know, Sir, even the All-India Congress Committee at its last meeting disapproved of those prisoners who take recourse to hunger-strike, and bring their death upon themselves. Even in spite of appeals, issued not only by Government but appeals issued by the prominent leaders of the Congress and others, these prisoners did not give up hunger-strike, though in response to those appeals the prisoners in the United Provinces Jails under the United Provinces Congress Ministry, who also had recourse to hunger-strike, at last did give it up. But so far as Bengal is concerned, these prisoners did think otherwise. Now, Sir, what are the reasons? The reasons that are given in the press are said to be non-fulfilment of the demands made by the political prisoners, who were confined in the Dacca Jail. Some of these demands are that all the political prisoners should be released at once—not only those who are detenus but also those who may have been actually convicted. Sir, I do not make any distinction between a political prisoner and an ordinary prisoner, because political prisoners also are convicted for the commission of heinous offences, and so far as I know, Mr. Munshi was convicted for an offence in a conspiracy case under section 120B of the Indian Penal Code. He wanted to overthrow the Government. He also wanted to conspire along with others to commit robbery, to commit theft, to commit dacoities and things like that. That is the subject of a charge under section 120B, if I have read the proceedings of that trial aright. I have also read the statement, namely, the Communiqué issued by the Government, so, whether he is a political prisoner or an ordinary prisoner does not matter in the least. A murderer is a murderer whether he commits a murder for the purpose of gain or simply for the satisfaction of blood. Here we know that political prisoners committed these murders simply for the purpose of blood, as some of them have been found saying like that. Then, again, if you go on encouraging the hunger-strike by the political prisoners, what would be the result? Every prisoner has some fancy, imaginary or real grievance against the jail authorities and he can take recourse to hunger-strike. There are hundreds of jails in Bengal. Even an ordinary convict, then, on this showing has the right to say that he will take recourse to hunger-strike, if his demands are not conceded by Government. Now, Sir, if these demands are really conceded by Government, and if any Government whether that Government be a congress Government or a non-congress Government does not matter in the least—if that Government yields then perhaps there will be an end to all Government. No constituted Government can run on if it yields to the demands, the ill-advised and unreasonable demands of the prisoners and there will then be no difference whatsoever between the peaceful citizens and political or ordinary prisoners. So far as we know of the congress ministries in the other provinces, there are also political prisoners there in the jails even now, and I will refer my hon'ble friend Mr. Goswami to the speech delivered

by Mr. Manabendra Nath Roy, the other day here in Calcutta, where he said that it will be no good abusing Sir Sikander Hyat Khan or Mr. Fazlul Huq when even up to now hundreds of detenus are still detained in the jails of U. P. where Mr. Gobinda Ballav Pant, one of the staunchest of congressmen is the Premier. Then, Sir, I will quote another thing. If I have read aright the proceedings of the All-India Congress Committee when it was sitting in Calcutta last year, Mr. Massani is stated to have said, "don't abuse Mr. Fazlul Huq or Sir Sikander Hyat Khan, when your Congress Ministers in the Congress Provinces have still been detaining political prisoners." Even Pandit Jawaharlal Nehru himself had to admit and had to say that, simply because a ministry is a congress ministry the people should not expect that their administration should be given up to the hands of those who wanted to do anything they liked with Government. So, Sir, there should be some limit to these things. In fact I do not think that Mr. Goswami will even for a moment admit that the Bengal ministry do deserve any censure whatever for the death of Mr. Munshi.

Then, Sir, I should have expected that instead of bringing in a censure motion for the death of this political prisoner, I should rather have thought that a motion for congratulation should have been moved, ("Hear," "hear," from the Congress Benches), should have been moved by somebody on the other side of this House, namely, some of my friends sitting there. Because if really my friends criticise Government in a proper spirit, without any spirit of canker or without any spirit of jealousy or hatred, they should have brought forward a resolution like that, because at the last session of this House, a motion for the release of detenus and political prisoners was brought up, and although that resolution was not carried in the House, still the substance of that resolution has been carried into effect, inasmuch as not less than 1100 detenus have been released and only a few of them are now in the jails. I know that some of the camps have been abolished. Of course, we know that the Berhampore camp is still there, but there are very few human souls living in that camp, and under these circumstances it is up to our friends of the Congress to congratulate the Bengal Ministry, particularly the Hon'ble Sir Nazimuddin, who is the Minister in charge, on having given effect to an important item in the programme of the Congress. Instead of doing so, Sir, when the detenus were released and when the Communiqué was issued by the Government, what did my Congress friends here say? They gave all the credit to Mr. Gandhi. Sir, I also give Mr. Gandhi great credit for that because he negotiated in this matter, but, Sir, my friends had not the goodness, had not the candour, had not the spirit or even had not the courtesy, as my friend here says, to say a word with regard to the Ministry which released so many detenus in course of a few months. So far as we know of the policy of Government, as every body knows from the newspapers, that policy is to release the rest of the detenus as early as possible. Sir, just look to the spirit of

my friends. When I make this statement I also appeal to my friends, sitting just in front of me, sitting on this side, because I want them to realise the spirit of my friends on this side, because you know that when an appreciation was issued by Poet Tagore—an appreciation of the activities of the Bengal Ministry, my friends of the Congress did not shrink from criticising Dr. Tagore even. The press criticised Dr. Tagore, because he, in their eyes, had committed a great blunder, a great sin, in having let out a word or two in praise of the Bengal Ministry. That, Sir, is the attitude and that is the method of work of my friends on the other side of the House. So, under these circumstances, could any body expect that this motion brought forward by Mr. Goswami is really a serious and sincere motion to ventilate the grievances of the political prisoners or is it only an invective which that side of the House is apt to indulge in against the present ministry, only perhaps for the purpose of driving it out and having themselves installed in the *gadi* of the ministers? Under these circumstances I do not hesitate to ask this House to reject the motion with all the force and spirit that I can command.

Mr. SYED JALALUDDIN HASHEMY: I do not propose to create an atmosphere of further bitterness in this House, yet I cannot resist the temptation of meeting the arguments put forward by my friend, Mr. Abdul Bari. Whatever he might have said, the fact remains that Harendra Nath Munshi is no more, the fact remains that he has left an everlasting impression, a very bitter impression, in the minds of his countrymen; the fact remain that he has given one of the rudest shocks in the minds of his countrymen. Will Mr. Abdul Bari agree with me if I say that it is against human nature to lay down one's life voluntarily, it is against even Mr. Abdul Bari's nature to lay down his life without the very gravest sense of provocation. When one realises that life is not worth living, when one feels that life is a perpetual misery, when one feels that life is a burden, then and then alone a man reluctantly decides to lay down his life. What did Harendra Nath Munshi want from Government? He did not want his release, he did not want any favour from Government, all that he wanted was a bare subsistence, bare necessities of life which every human being can legitimately demand under any circumstances, however emergent, however extraordinary the position might be. I would beg the Hon'ble Minister to go inside the jail and see the condition of prisoners—not political prisoners alone. I would beg of him to see that latrine parade, bathing parade, ration distributing parade—it is all inhuman, it is absolutely inhuman. Harendra Nath Munshi wanted to live. He did everything with a full sense of responsibility and he was prepared to serve out his sentence. But when he realised that it was impossible to live inside the jail, then he decided to lay down his life voluntarily. I will tell Mr. Abdul Bari that I for myself do not hold Khwaja Sir Nazimuddin directly responsible for his death, nor do I hold the Cabinet nor the

Governor of this province responsible for it, but I do say that I hold the Cabinet, the Governor and particularly Khwaja Sir Nazimuddin indirectly responsible. There was sufficient time for this Cabinet to have a better system of administration introduced inside the jail. It is that very system, that very pernicious system which was introduced by the previous Government that is responsible for his death. Khwaja Sir Nazimuddin might have some sympathy with the prisoners, but he had not the courage to make a revolutionary change in the jail administration, at least in the light in which the people of the Continent, America and Japan are doing at present. (A VOICE—what about Allahabad?) I for myself do not encourage suicide, I do not encourage hunger-strike, and I for myself would not choose to die under the gravest provocation. I will tell one instance to Khwaja Sir Nazimuddin. When I was a prisoner at Rajshahi, an ordinary prisoner under certain circumstances climbed on a banian tree inside the compound of the jail to commit suicide. The Superintendent, the District Magistrate, the Civil Surgeon and other jail officials came and begged of the prisoner to come down, but he shouted from the top of the tree, I will not come down unless and until the Bara Jamadar—a terrible figure in all jails —is removed from the jail. He gave a description of the atrocities committed on him. He was a solitary cell prisoner. At last I had to interfere as a prisoner, and I begged of that prisoner to come down and just before dusk at my request he came down. This is the system of administration in jail now prevailing. (A VOICE: You did great service.) Yes, to humanity, and I expect this small service from the Cabinet though I do not hold the Ministry directly responsible for it. I hold the executive of the district, I mean the District Magistrate, the Superintendent of the Jail, medical men and all other people concerned directly responsible for it, and I request the Hon'ble the Home Minister to start a sifting enquiry to find out the truth as to how a man can die by hunger-strike on the fifth day. It is natural that if there is a medical man here he will bear me out that a man can live without food and drink for about a month if he is fatty, and if he is not, he can live at least for 21 days without food and drink. It is a wonder how, why and under what circumstances Harendra Nath Munshi died. It is reported and we hear it through the columns of the newspapers that forcible feeding by doctors (A VOICE—Congress press). This is a peculiar suggestion by my friend over there that Congress press is directly responsible for the death of Harendra Nath Munshi. I for myself am not prepared to accept that argument. You may cry hoarse over it, but a press outside cannot be held responsible for the death of a prisoner inside a jail, whose custodians are Government, the District Officer, the Superintendent and other officers of the jail. Prisoners have no occasion to go through newspapers. Possibly under the present system of administration Harendra Nath Munshi had not the liberty

to read a Congress newspaper inside the jail. It might be that my friend Mr. Abdul Latif Biswas might have scaled over the walls of the jail and surreptitiously supplied some newspapers to Harendra Nath Munshi and by that he gave the inspiration to him to voluntarily lay down his life. I would appeal to the Hon'ble Minister to start an enquiry by a committee consisting of members of this House, both from that side and this side, so that he can convince this House and the people outside that the responsibility was not with the officers of Government. My friend Mr. Abdul Bari was going to give instruction and precept as a school teacher to members of this side. Members of this side are fully responsible. They are aware of their responsibility and they want no instruction. It would be better for Mr. Bari and his friends to take instruction from us. The time is not far distant when this Coalition will be a matter of demolition, and I would request my friend to be prepared for the emergent circumstances. Coalition has no meaning at all—Coalition has no meaning. I am sure in the near future this coalition will be a heap of demolition. Therefore it is time for them to take lessons from history. It is time for them to take lessons from British Parliament. No coalition can exist for more than one year. During this short-life of one year you can enjoy it and you can administer this province in your own way. But you will have to answer what you have done to your countrymen, and the time is fast approaching when you will have to give the explanation.

Sir GEORGE CAMPBELL: Sir, I should like to associate myself with the last speaker, Mr. Hashemy, not in his political prophecies, but in the deep and terrible sympathy that we must all feel when a man for whatever reasons, good reasons or misguided reasons, goes to the length by his own will of defeating the natural course of nature. But, Sir, I should like to appeal to the mover Mr. Goswami and to suggest to him that Government are making the most earnest endeavours to review this whole question of the political prisoners and to improve the jail conditions, and I hope that the mover's party do feel that that is being done. I should like to give my opinion that this idea of hunger-striking makes it extraordinarily difficult not only for the jail authorities to get quickly down to the improvement of conditions but makes it infinitely more difficult for the Government to get on with the measures that they would like to undertake. Hunger-striking is surely a form of bullying the authorities into doing or taking action without reasonable consideration.

Further, Sir, if the mover presses this to a division, he must force many here, who feel it their duty to support the Government in the cause of law and order, to go into a lobby, and the mere action of their going into that lobby may be misconstrued and it may be thought that they are lacking in sympathy. Therefore, Sir, I would appeal to the

mover, I would appeal very very strongly, to consider the points of view that I have put forward, to consider also whether he is doing good to the cause he has at heart by giving too much publicity on the floor of this House to these most unfortunate occurrences; and I would appeal to him that if he gets what he considers a satisfactory reply, or even to a modified degree a satisfactory reply, from the Government, he should not in this case press his motion to a division. We have had an opportunity of ventilating this case, Sir, and I would ask the mover, if he is satisfied with the reply, to withdraw his motion.

Babu NARENDRA NARAYAN CHAKRABARTY: (Just when the member commenced his speech in Bengalee).

Maulvi ABDUL LATIF BISWAS: On a point of order, Sir, the hon'ble member knows English well. Is it permissible that he should speak in Bengalee?

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় সভাপতি মহাশয়, এই মুলতবী প্রস্তাব সম্বন্ধে কিছু বলবার আগে আমি এই কথাটা স্পষ্ট কোরে বোলতে চাই যে ইতিপূর্বে আমার বন্ধু মিঃ আব্দুলবারি যে বক্তৃতা কোরেছেন তাতে আমার মনে হয়, তিনি সমস্ত বিষয়টা গুলিয়ে ফেলেছেন। আজকের এই প্রস্তাবের মধ্যে political prisoner দের release সম্বন্ধে কোনো প্রশ্ন নাই, আজকের এই প্রস্তাবের মধ্যে political prisonerরা কোন নীতিতে বিশ্বাস করে তা বিচার করবার কোনো অবকাশ নাই। তারা ডাকাতি কোরে কি খুন কোরে prisoners হোয়েছে সেটা বলবার আজকে কোনো প্রয়োজনীয়তা ছিল না। তবু তিনি সেই কথা বোলেছেন,—বর্তমান মন্ত্রীমণ্ডলীর যে গুরুতর ত্রুটিবিচ্যুতি আছে, সেইটে ঢাকা দেবার উদ্দেশ্যে। তিনি স্পষ্ট কোরে বোলতে চেয়েছেন, একটা কথা,—যে এটা অন্য কোনো প্রকারের হত্যা নয় এটার একমাত্র নাম হচ্ছে আত্মহত্যা। তিনি আইন-জীবী। আইনজ্ঞদের কাজ হচ্ছে, অনেক সময়, সত্যকে মিথ্যা প্রতিপন্ন করবার চেষ্টা করা। কাজেই যেটা নয় সেইটেকে বারবার হাঁ বলে জোর দেবার তাদের দরকার হ'য়ে থাকে। তিনি মনে মনে জানেন যে এটা বাস্তবিক পক্ষে আত্মহত্যা নয়; সেইজন্য তিনি বার বার কোরে চেষ্টা কোরেছেন প্রচার কোরতে যে এটা আত্মহত্যাই,—অন্য কোন প্রকারের হত্যা নয়। তিনি তাঁর বক্তৃতার ভিতর অবান্তর কথাও অনেক বোলেছেন, তার উত্তর দেওয়ার সময় বা প্রয়োজনীয়তা আমার নাই। কিন্তু তিনি একটা কথা বোলেছেন "murder is murder তা যে উদ্দেশ্যেই হোক।" তাঁকে জিজ্ঞাসা করি,—তাঁর পৃষ্ঠপোষক মন্ত্রীবর্গকে জিজ্ঞাসা কোরে বোলতে, যে, যখন যুদ্ধ আসন্ন হোয়ে উঠবে তখন ভাড়াটিয়া গুণ্ডাদের দিয়ে দেশের নিরীহ লোকদের হত্যা করবার জন্য চেষ্টা করা হবে কি না? তখনো কি একথা তিনি বোলবেন যে murder is murder from whatever motive it may be committed? বর্তমান গভর্ণমেণ্ট যখন অসহায় জনগণের উপর গোলাবর্ষণ কোরে তাদের হত্যা করে, সে হত্যা সম্বন্ধে মিঃ আব্দুল বারির মতন লোকের মুখ থেকে কখনো প্রতিবাদ বেরোয় না।

সভাপতি মহাশয়, আব্দুলবারি মহাশয় বোলেছেন যে, হরেন্দ্র মুন্সী নিজেই আত্মহত্যা কোরেছে। কিন্তু আত্মহত্যা করবার প্রয়াসই বা মানুষ কখন করে? মিঃ আব্দুলবারির নিজের জীবনের প্রতি যতটা মমতা বোধ আছে হরেন্দ্র মুন্সিরও তার জীবনের প্রতি তাঁর চেয়ে কণামাত্র কম মমতা বোধ ছিল না। মিঃ আব্দুলবারির পরিবার পরিজনের প্রতি যে রকম আকর্ষণ আছে হরেন্দ্রেরও নিজ পরিবার পরিজনবর্গের প্রতি স্নেহের টান তার চেয়ে কিছু কম থাকার কোন কারণ নাই। তারও একটা সুখের নীড় ছিল। আব্দুলবারি মহাশয়ের মতন সেও হয় তো অনায়াসে এসে বোসে থাকতে পারতো এই Assembly hall এ। তা না কোরে বিনা কারণে নিজের জীবনকে সে এমন কোরে তিক্তমধুর মরণের সাথে বিলীন কোরে দিতো না। সে তো বলেনি যে আমাকে জেল থেকে মুক্ত করে দাও। সে তো বলেনি যে, বর্ত্তমান Minister প্রতি no confidence আনা হোক, —যাতে মিঃ আব্দুলবারি এবং তার সঙ্গোপাঙ্গ মহাশয়রা উৎক্ষিপ্ত হোয়ে উঠবেন। তারা কি চেয়েছিলো?—না একটু খানি বেঁচে থাকবার অধিকার; তারা চেয়েছিলো কি?—না একটু খানি আলোক, একটু খানি বাতাস, জেলের মধ্যে মানুষ মাত্রেরই যা নাকি একান্তভাবে আবশ্যক হয়। আর চেয়েছিলো একটু খানি better food। আব্দুলবারি মহাশয় বর্ত্তমান গভর্ণমেণ্টের রোষনয়নে কখনো পড়েন নি; তিনি শাসকবৃন্দের স্নেহের আশ্রয়ে আছেন, তাঁর জেলের ভয় নাই। কিন্তু জেলে যারা যায় তারাই জানে জীবন সেখানে কি দুর্বহ; তারাই জানে—সেখানে সুধু মানুষের যে একান্ত অধিকার সেই অধিকার থেকে তাদের বঞ্চিত করবার জন্য প্রতি দিন, প্রতি পলে, প্রতি মুহূর্ত্তে কেমন কোরে চেষ্টা চলে। তাদের অপমান করবার জন্য, অমানুষ কোরে দেবার জন্য অনবরত চেষ্টা চোলতে থাকে। তাদের স্মরণ করিয়ে দেওয়া হয়—তুই মানুষ নোস, তুই পশু। আব্দুলবারি মহাশয় যদি জেলের অবস্থা জানতেন তাহলে কখনো এই প্রস্তাবের প্রতিবাদ কোরতে পারতেন না। তিনি যদি সে অবস্থা দেখতেন—সেই কাঁকড়ওয়ালা ভাত, যা নাকি জলে না ভিজিয়ে খাওয়া যায় না, তার সঙ্গে সেই তরকারী যার মধ্যে তেলের নামও নাই, সুধু জলে সেদ্ধ করা, সেটা একবার দুবারের জন্য নয়,— দিনের পর দিন চোলতে থাকে। আব্দুলবারি মহাশয়কে আমি বোলছি তিনি সেটা না জানতে পারেন কিন্তু আমি খুব ভাল কোরেই জানি,—কেননা আমাকে প্রায় ১৪ বার জেলে যেতে হোয়েছে। (Laughter) আজ হাসবার অধিকার আমার ওধারের বন্ধুদের আছে, কিন্তু সেদিন অতি দ্রুত চ'লে যাচ্ছে। এমন দিন আসছে যখন আমার এইসব বন্ধুদের মনেও স্বাধীণতার স্পৃহা জাগবে। এবং ইতিহাস সাক্ষ্য দেয়, যে কারাগারে না গেলে মুক্তি আসে না, স্বধীনতা আসে না।

আব্দুলবারি মহাশয়কে জ্ঞাপন কোরছি—হরেন্দ্র মুন্সি কখনো অন্য কোনো কারণে hunger-strike করেনি; সে নিজের বাঁচবার চাহিদার জন্যই hunger-strike করেছিল। এবং আমি বোলবো—সে আত্মহত্যা করেনি, এটা একটা deliberate murder ছাড়া আর কিছু নয়। (Voices * *) এই হত্যার অপরাধে সুধু বর্ত্তমান গভর্ণমেণ্ট নয়,— Minister থেকে আরম্ভ কোরে ঢাকা জেলের ছোট বড় প্রত্যেকটী কর্ম্মচারী হত্যাকারী বোলে অভিযুক্ত হওয়ার উপযুক্ত। এবং যে Special Tribunal এ হরেন্দ্র মুন্সির বিচার হোয়েছিলো, সেই Special Tribunal দ্বারা স্যার খাজা নাজিমুদ্দিন থেকে আরম্ভ কোরে তাদের প্রত্যেকের বিচার হওয়া উচিত। আজ তা হবে না জানি, কিন্তু এমন দিন আসছে, যেদিন তাদের সে বিচার হবে। সেই বিচার, সেই সুবিচার হবে বাংলার জনগণের হাতে। সে বিচার হবে বাংলার জাগ্রত, মুক্ত জনগণ দ্বারা; এবং সেই বিচারের জন্য আমি চিরদিন অপেক্ষা করবো।

Maulvi ABUL HASHIM: Mr. Speaker, Sir, I am extremely sorry that in spite of the excellent preface of the hon'ble the mover of this motion to the effect that he did not bring this motion with any ulterior political motive, the discussion has been very heated and almost degenerating into bad temper. During the discussion of the Andaman Hunger-Strike adjournment during the last session, the Government declared that their policy was not one of retention, but was one of release, and, Sir, in pursuance of this policy in November last by a special communique they gave us to understand that they were going to release nearly all the political prisoners of Bengal. I really wonder, why after all this, there are still political prisoners in the district jails of Bengal. The Government of Bengal will perhaps try to take shelter under the plea that these political prisoners have not yet given up their cult of violence. I think, Sir, that this is a very doubtful proposition. If I had the power, Sir, I would at once release them all, and, if necessary, would present to them each a pair of revolver at the prison gate. I believe, Sir, time has come when we, I mean the Government of Bengal, could take a very bold step and make a very gallant experiment. I would request them to take a chance, and to trust the youths of Bengal, and, I believe, if they do so sincerely, they will also trust them. So far I am entirely in agreement with the hon'ble the mover of this motion and his party here. But, Sir, the subject-matter of this evening's discussion is the death of a poiltical prisoner Harendra Nath Munshi. This prisoner elected to commit suicide as a protest against certain grievances he had against the jail authorities. Sir, I am a Muslim, and as such from my very childhood I am taught to hate and condemn suicide, and those who commit suicide, and, I believe, in the religion of the Brahmins of India also suicide is condemned and hated. In view of this I am opposed to the motion. As the hon'ble the mover has already declared here that the Indian National Congress had unequivocally condemned violence. Now, Sir, I would ask my Congress friend here if it is fair that they should preach non-violence by words of mouth and by their action encourage violence by supporting suicide and by praising those who commit acts of violence. Sir, suicide in itself is an act of violence and whatever be the motive behind this, I do not find any justification whatsoever for praising those who commit suicide. Preaching non-violence by words of mouth only and simultaneously supporting those who commit suicide and other acts of violence, to me appears to be very much contradictory and this plea of non-violence is merely a lip profession and nothing more than this. Sir, it has been already said that this adjournment, if carried, will amount to a censure against the present Ministry. Let this Ministry go to hell.

Mr. TULSI CHANDRA GOSWAMI: I never said that this motion will amount to a censure, but the adjournment motion is in the nature of a censure motion against the Ministry.

Mr. ABUL HASHIM: I stand corrected. On the one hand, this adjournment motion, if carried, may have the effect of condemning the present Ministry and on the other hand, it will have the effect of encouraging the commitment of suicide. So without going into the question whether the Ministry is responsible or not for what has happened, in the interests of non-violence itself I would oppose this adjournment motion. I have already stated that whatever may be the reasons for the suicide, I am not prepared to style those who commit suicide as martyrs.

Mr. MANORANJAN BANNERJEE: My friend Mr. Abdul Bari said that Congress Party should have come forward with a congratulatory motion instead of a censure motion. I shall place certain facts regarding the death of Harendra Nath Munshi. I shall then ask Mr. Bari whether the Government deserves congratulation or censure? He said that the Congress Working Committee disapproved of such hunger-strikes. No doubt the Working Committee disapproved of such hunger-strikes but they did not approve the ill-treatment of the prisoners in the manner in which it is done in the Dacca Central Jail. Now, Sir, the causes of the hunger-strike were more local than general. When a prisoner commences fast unto death, he also covers some general grievances, but it is beyond controversy that in the present case the strike was due to the ill-treatment of the Jail officials and some other local officials. It has also been admitted in the statement issued by the Government that the causes were more local than general.

Now, Sir, Pratulla Sen went on hunger-strike on the 11th January, and one by one the number rose to ten till the death of Harendra Munshi on the 30th January. The news of the hunger-strike leaked out about a week after. On or about the 20th I first visited the District Magistrate and enquired of him if there was any hunger-strike in the Dacca Central Jail. The District Magistrate said that he was ignorant of it and asked me to see him on the next day when he would enquire and let me know the true state of things. I saw the District Magistrate on the next day. The District Magistrate said: "Yes, there was hunger-strike by some prisoners," and he also told me that he had made arrangements for the treatment of Bhupal Bose who was on hunger-strike and also a T. B. patient. He further said that the Government decision of placing political prisoners in Division II was communicated to them on that date. I must thank the District Magistrate, Mr. Tyson, for the manner in which he received us, and also for the manner in which he dealt with the prisoners in jail. But for his kind treatment there would have been more deaths. On the 21st the District Magistrate said that there was hunger-strike amongst the prisoners. I would ask the Hon'ble the Home Minister to call for an explanation from the Superintendent of the Dacca Central Jail why he did not inform the

District Magistrate of the state of affairs in the Jail during these days. The prisoners were losing their vitality; they were about to die, and it is strange that the District Magistrate was not informed of the hunger-strike till the 21st January.

Then, Sir, on the second day I requested the District Magistrate to allow the local leaders to interview the prisoners and persuade them to give up the hunger-strike. The District Magistrate said that he was helpless in the matter inasmuch as the Dacca Jail, being a Central Jail the Superintendent was not under him, and, therefore, he could not do anything in the matter. I went to the Jail Superintendent and requested him to allow the local leaders to persuade them to give up the hunger-strike, but the Superintendent refused. Government also did not permit the local leaders to meet the strikers. Had Government permitted the local leaders to meet the strikers, I think Harendra Nath Munshi could have been saved from death

Then, Sir, Harendra Nath Munshi commenced hunger-strike on the 20th January, and it is unlikely that the hunger-strike was the cause of his death on the 30th January, i.e., on the tenth day of the hunger-strike; but the cause was forcible feeding by the officers there. The question of forcible feeding in the case of Harendra Munshi arose on the 26th. He was fed forcibly on the 26th. On the 27th an attempt was made to feed him forcibly, but Harendra resisted. On the 28th morning, Dr. Chaudhuri, the Medical Officer of the Jail, attempted to administer food forcibly through the throat, and it caused damage to his gum, and he began to bleed Then on that day, Dr. Chaudhuri told the Superintendent to inform the Civil Surgeon to come and advise him in the matter. At 12-30 or 1 p.m. the Civil Surgeon came with Dr. Chaudhuri, and again Harendra was persuaded to take food but he refused. Then he was forcibly fed, and undue violence was applied to the prisoner, and when a non-official visitor, Mr. Amulya Ratan Guha, Vice-Chairman of the District Board, who is also a local leader, went to visit the jail on the 28th afternoon, he saw Harendra Munshi, he was vomiting and he had no medical attendant by him at that time. Amulya Babu thought that the condition of Harendra was very serious. He sent for the doctor, but no doctor was available at that time, save and except a Sub-Assistant Surgeon, who came and told Amulya Babu that Harendra's vomiting was due to forcible feeding and that it would disappear in a short time. Harendra's condition remained the same throughout the night. On the 29th his condition did not improve a little, and on the 30th at 6-30 a.m. Harendra expired.

Look at the conduct, Sir, of the Jail Officials after the death of Harendra. I got the news of death at 11-30 a.m. and I at once went to Amulya Babu, the non-official visitor, and told him that there was a rumour that a hunger-striker was dead. Amulya Babu at once 'phoned to the Superintendent of the Jail and enquired if the rumour

was correct. The reply over the 'phone was that the Superintendent was very busy with the District Magistrate, and so he could not come. Then Amulya Babu 'phoned to the Jailor and asked if any hunger-striker died on that morning. The Jailor replied that he did not know. Receiving such an evasive reply from the Jailor, I and some of my friends at once went to the jail gate and there I found that Dr. P. Chaudhuri was coming out of the jail. I asked him what was the matter, and he told me that Harendra was dead. I also found there Maulvi Abdul Halim Chaudhuri, the Subdivisional Officer, who was, at that time, taking statements from the Jail Officials as to the causes of the death. I asked him, and he also confirmed the death news. After that I went to the Jail Superintendent's bungalow. As soon as I told the Superintendent that I came to him in connection with the death of a hunger-striker, the Jail Superintendent flared up and asked me how was it that I came to know that a hunger-striker was dead. (Cries of "shame" "shame" from Congress Benches.) He insisted on my mentioning the name of my informant, but I refused. Then he took up a pencil and asked me my name and enquired why I was reluctant to disclose the name of my informant. Then when I said that I came to know the news at the jail gate from the Medical Officer and the Subdivisional Officer, then the Superintendent told me that Harendra died. Just look at the reprehensible conduct of the Jailor as well as of the Superintendent. The prisoner died at 6-30 a.m., and at 11-30 a.m., the Jailor informed the non-official visitor that he did not know of any death in the jail through hunger-strike. The Jail Superintendent instead of giving me name of the hunger-striker who was dead, asked me who was the informant of the news. If a member of the House could be treated in such a way by the Jail Superintendent, you can easily imagine what is the condition of the prisoners of the jail under him who are absolutely helpless.

In the statement issued by Government, it is stated that by giving the political prisoners Division II, most of the grievances for which they went on hunger-strike have been removed. May I request the Hon'ble Home Minister to state when that order was issued, and when Mr. Leonard, the Superintendent of the Jail, communicated the order to the prisoners? If the order of placing them in Division II had been communicated in proper time and if the Government had allowed the local leaders to interview the prisoners for pressing them to give up the hunger-strike, I think the life of Harendra Munshi might have been saved. Another thing—even the relatives of the prisoners were not allowed to interview them. The mother and brother of Ashu Bharadhaj came on receiving information from newspapers of the hunger-strike to interview him, but they were not allowed to see Ashu Bharadhaj. They applied to the Jail Superintendent and the Hon'ble Home Minister but they were not allowed.

Now, Sir, if the non-official visitor's report of the 20th were produced before this House, the House would have come to the conclusion that the death was due not to hunger-strike but it was due to forcible feeding. On the 1st of February at noon I again visited the Jail Superintendent and asked him as to how a man on the 10th day of his hunger-strike could die. The Superintendent informed me that there was some defect in the application of the feeding tube. This misapplication of the tube was the cause of his death. It is said that the medical administration of the Dacca Jail is all right, but the very fact that when a non-official visitor went to jail on the 20th and found Harendra vomiting there was no medical attendant, proves otherwise. If there had been proper medical arrangement in the Dacca Jail a doctor must have been present when Harendra was getting sick, but no doctor was found at the time. This is the state of medical arrangement in the Dacca Central Jail.

Now, Sir, I am not quarrelling at the present moment as to whether there should be distinction between the political prisoners and other prisoners. But I would ask this House to consider whether the prisoners were treated according to the present jail rules. Under the present jail rules Division II prisoners are not required to salute the officials. But Harendra Munshi was all along a Division II prisoner. His division was cancelled for not saluting the Superintendent in military form and other punishments were given such as bar-fellers.

(Here the member reached the time-limit and resumed his seat.)

Mr. SYAMAPRASAD MOOKERJEE: Mr. Speaker, Sir, I had not the intention of taking part in the debate until the Hon'ble Home Minister had explained the position of Government. I thought that in view of the appeal which the honourable mover had made to the Minister, a satisfactory reply and a statement would be forthcoming immediately and discussion on this resolution brought to an end. But I believe, Sir, that the Home Minister thinks that he should speak about this question after he has heard the views of all the speakers. Our position to-day is simplified to a considerable extent in view of the open declaration made by the Congress committee, to which reference has been made by the previous speakers, namely, that the Congress discourages the adoption of hunger-strike as a weapon for recording protest by political or other prisoners. Sir, to that extent the Congress has responded to the sentiments which were so emphatically expressed by the Hon'ble Home Minister on another occasion like this a few months ago. But, Sir, the passing of that resolution does not absolve either the provincial Government or the members of the public or the officers who are in charge of jails from the responsibility of ensuring the administration of the affairs of these institutions in a proper and humane manner. I would go a little further and say that if there are occasions when the grievances

of the prisoners are placed before Government, it is the duty of the Government to take them into its consideration and promptly do what justice and fairness demand any civilised Government to do.

Sir, I shall not deal with the general proposition of release of political prisoners except to say that the public of Bengal will not allow Government any peace until this is achieved. I shall come to certain specific facts which have come out of the remarkable speech which the last member has just now delivered. The question was raised whether the present Government was responsible for the death of this unfortunate Bengali. Sir, I shall not say that the responsibility rests on the members of the Cabinet individually, but in the course of discussion it appears that the way in which the whole business was managed by those officers who were on the spot was something which was extremely objectionable in character and if in spite of that Government instead of ordering an enquiry tries to shield them, then I shall say, Sir, that the verdict of Bengal will be that the members of the Cabinet have been indirectly responsible for the death of Harendranath Munshi. What are the facts? It appears that on the 11th January this hunger-strike started. Why is it that for one week the District Magistrate of Dacca was not informed of the fact that hunger-strike was going on in the Dacca Central Jail? I hope the Hon'ble Home Minister will give categorical reply to these questions. When was Government informed that a hunger-strike had broken out in the jail? Then, Sir, it appears that on or about the 23rd the Magistrate was approached by certain responsible members of the public and they offered their co-operation to visit the jail and persuade these prisoners to withdraw from hunger-strike. The next question is—why was this permission refused? I shall not take notice of the many irrelevant things Mr. Abdul Bari indulged in. He said that in the United Provinces under the Premiership of Pundit Govinda Ballav Pant the hunger-strike had been withdrawn and asked why was it that it was not withdrawn in Bengal. The answer is that it was withdrawn in United Provinces or Bihar because the Ministers themselves made it their duty to persuade these unfortunate prisoners to withdraw from this fatal step. They made it their business to invoke co-operation of other responsible persons—no matter what their political creed might be—to assist Government in this difficult situation.

(The Hon'ble Mr. H. S. Suhrawardy here interrupts the speaker).

I would ask the Hon'ble Labour Minister to treat at least one debate with a little more seriousness—a debate relating to a matter of life and death.

The Hon'ble Mr. H. S. SUHRAWARDY: I am very very serious: your statement is not correct.

Mr. SYAMAPRASAD MOOKERJEE: I shall accept that he is very serious.

Let me go back to the point. Why is it that with regard to Bengal the hunger-strike prisoners did not withdraw their hunger-strike at the crucial moment? The answer is that instead of seeking for the co-operation of individuals, instead of themselves intervening at the proper time, the fiat goes to the prisoners from the Secretariat that if they did not withdraw the hunger-strike they would be prosecuted. Prosecution—Is that the way in which you should treat a matter like this, a situation as delicate as it is dangerous. Now, Sir, that brings me to the 22nd of January. The District Magistrate refused permission to individual gentlemen to visit the jail. Government was also approached with a similar request and Government also refused permission. I do not know, Sir, if any member of the Government itself took the trouble of going to and visiting the jail. I take it that he did not. Then look at the other amazing facts which have come out to-day. Even on the day that the man died and rumours were current in the town, a telephone message was sent to the jail and the Superintendent was too busy even to receive the telephone message or give any information. Then a message was sent to the Jailor, and the Jailor said six hours after the death of Harendranath Munshi that he had no information that anybody had died. As regards the non-official visitor's report, his observations in the visitors' book have not been published. I do not know what these observations are, but it has been suggested that if these observations are made public, it will show the callous and disgraceful manner in which the whole business was managed by the authorities of the jail.

Now, Sir, let me leave aside for the time being the public men who volunteered their services for this cause and let me come to those persons who were near and dear to the deceased, who had every right, moral and legal, to be informed at the due time of the fact that hunger-strike was going on in the jail. The fact remains uncontradicted that no information was sent to the members of his family until Munshi had breathed his last. Sir, that is the report which we found published in the newspapers, and this has not yet been contradicted by Government, and no mention of this has been made in the communique either. What are the facts? I beg of my colleagues, I beg of hon'ble members of the Assembly to note these not for the purpose of passing any vote of no confidence on any Minister or on the Cabinet, but for the purpose of making the members of the Cabinet realise their supreme duty in instituting an immediate public enquiry for finding out who is responsible, who is guilty of neglect of duty and callousness which led to this unfortunate death of this prisoner?

A letter, I find, was published on the 4th February in "Ananda Bazar Patrika" written by Babu Hemendranath Munshi who is the old uncle of the deceased Harendra Nath Munshi. What does it show? It first of all points out that Harendra was convicted only a few months ago on the 28th April, that he was one of those prisoners whose case was still pending before the High Court. Mr. Abdul Bari says an offence is an offence in the eye of law. But it was a case which was still sub-judice and there was still the chance for the highest court in the land to declare that the man was innocent. Mark the series of allegations openly made by the uncle of the deceased—allegations which no matter whether the member is a Hindu, a Muslim or a Christian, we are bound to consider—and then it is the duty of every responsible member of this House to demand from the Cabinet a satisfactory reply. Now, Sir, what are the allegations? On the 1st January 1938, this gentleman wrote a letter to the Superintendent enclosing a letter meant for his unfortunate nephew, enquiring about the health of Harendra, enquiring why no letter had been received from him for such a long time and also suggesting that arrangements might be made for an interview for discussing matters relating to the pending appeal before the High Court. No reply was however sent to this letter by the Superintendent of Dacca Jail. On the 15th January the uncle of Harendranath saw in the papers that a hunger-strike had broken out in the jail which was being participated by Prafulla Sen and he wrote another letter to the Superintendent, "How is Haren? I have got no information about him" That was on the 15th of January 1938. Now, Sir, to that letter the reply was sent on the 20th January 1938, by the Superintendent. No reason was given as to why no reply was sent to the letter of 1st January. The letter says that Haren was doing well. On 20th January 1938, the day Harendra himself joined the strike, he was doing well. And further, he was not allowed to write letters, because he had failed to show proper respect to the Jail Superintendent. Sir, I would ask all members of the House, I would ask all the Members of the Cabinet, the Chief Minister and the Home Minister particularly, to consider the seriousness of the situation. On the 20th January the Superintendent of Dacca Jail writes a letter to the uncle of the deceased which discloses the Superintendent's attitude towards Haren. That was on the 20th of January But even between that date and Haren's death no communication was sent to Haren's family. Then there was a debate in the Bengal Legislative Council about Haren's hunger-strike. The newspapers carried the report of the proceedings of the Council to the distant home of the uncle of Harendra, and that report reached him on the 29th January. When he found for the first time that his nephew had taken part in the hunger-strike, he sent a frantic letter to his nephew asking him to withdraw and also asking for a personal interview. That letter reached the Superintendent after Harendra Nath Munshi was dead. I would beg of the members of this House

for once to rise equal to the occasion. We are not censuring the Government of Bengal, I ignore the legal and technical interpretation of an adjournment motion but we demand an enquiry.

(The member having reached the time-limit resumed his seat.)

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret very much the death of Harendra Nath Munshi. The loss of a human life is always such a serious thing that everyone must feel sorrow and sympathise with the relations of the deceased. But, Sir, I would like to draw the attention of the hon'ble members of this House to what I stated two or three months ago in connection with hunger-strike. ("Six months ago" from the Congress Benches.) Yes; I then said if there is any loss of life, I submit that the responsibility will lie with those who encourage and inspire hopes in the minds of those who have gone on hunger-strike. I apprehended, but fortunately no loss of life then took place. Hunger-strike is a dangerous thing, and there is always the possibility of loss of life. Unfortunately, in this case a death occurred which, the House and the members know from the fact given on another occasion, could not be avoided.

Before I deal with the motion, Sir, I would like to make one statement, especially in view of the impression that has been created by the last speaker. I am very fortunate that he has given me an opportunity to speak after him, as I find that whenever there is a motion for adjournment he takes the opportunity of speaking after the Minister has replied and then pauses for answer which cannot be given. A very pathetic case has been made out and it appears as if the Superintendent has been guilty of a gross criminal act (cries of "murder" from the Congress Benches) by not replying to the letters of Haren Munshi's uncle. The last letter that reached the Superintendent was sent on the 20th and on the 20th Harendra Munshi was not on hunger-strike. (Dr. NALINAKSHA SANYAL: After that?) After that there was no occasion for any reply. The last letter reached him on the 30th January when Harendra Munshi was dead. So how is the Superintendent of the Jail to blame for this? Is it a crime of the Superintendent if a letter is delayed for a reply for 20 days? There are over 2,000 prisoners in Dacca Jail and surely the Superintendent cannot be expected to give a reply to all the letters immediately! Nor do I think that the Vice-Chancellor of the Calcutta University gives replies to his letters immediately they reach him. (Mr. SYAMAPRASAD MOOKERJEE: You write to me and see when you get my reply.)

Before I go on to the real issue, let me state another fact which I mentioned before this House some time ago. I said then supposing 50 ordinary prisoners who have taken part in gang dacoities, have committed murders and tortured or violated women, supposing that 50 such prisoners come and say that unless we are released immediately and unless we are put to Divisions I and II we will go on hunger-strike and

give up our lives. Then the House laughed—at least members of the opposite side of this House laughed and said that these people cannot go on hunger-strike. Eight of the so-called political prisoners who have not been convicted of terrorist crimes are at present on hunger-strike and there are 16 prisoners not convicted, who are on hunger-strike in the Alipore Jail. Their demands are practically the same or they have not made practically any demand but are still on hunger-strike, and they claim similar privileges. (Dr. NALINAKSHA SANYAL: What are their names?) I cannot tell their names off-hand, but this statement can be taken to be absolutely correct. They are on hunger-strike. Now, Sir, I would ask the House and the members to judge this question absolutely dispassionately and to try and remember what the speakers who have supported this motion to-day said. I would ask them to recall—unfortunately it has not been possible for me to take down verbatim what they said to-day in connection with the reasons as to why these people have gone on hunger-strike, but I believe that every one of you will agree that the main theme has been that the conditions in the Dacca Jail had been so terrible that their lives became a misery and they preferred death to continuance under those conditions, and not one member of this House will deny that this has been the burden of their song. These are the conditions under which those prisoners were living and the reason for their hunger-strike was to get redress of those grievances and yet the most extraordinary fact, the most singular fact, is that when they go on hunger-strike and are asked to put down the reasons why they have gone on hunger-strike they do not mention any local grievances or mention any reason as to why they have gone on hunger-strike. I think, Sir, this is enough for any reply to this adjournment motion. The hon'ble mover of the adjournment motion said that if the Government's reply was satisfactory he would withdraw his motion. Now, Sir, I will give you the names of those prisoners who went on hunger-strike but did not mention any local grievances when they went on hunger-strike, and as far as this is concerned I have got their written statement. When they went on hunger-strike they were asked to put down in writing the reasons for their doing so. (Dr. NALINAKSHA SANYAL: Were they allowed to meet together?)

Mr. SPEAKER: I hope Dr. Sanyal will remember that the Hon'ble Minister has only 15 minutes' time, and therefore he should not be interrupted.

Dr. NALINAKSHA SANYAL: Sir, I am only trying to elicit information.

Mr. SPEAKER: This is not the occasion for doing so. Let the Hon'ble Minister finish and then you can do so.

The Hon'ble Khwaja Sir NAZIMUDDIN: Profulla Kumar Sen was the first to go on hunger-strike. He said nothing about jail treatment, jail condition or the classification of prisoners at all. There was no question of meeting anybody. Then, Sir, the 7 prisoners who went on hunger-strike are the following:—

Profulla Kumar Sen,
Jyotirmoy Nandi,
Sasanka Chakravarty,
Rangalal Ganguly,
Santiranjan Sen,
Harendra Nath Munshi, and
Dhirendra Nath Munshi.

These people in their written statements have mentioned nothing about any local grievance or any reason why they have gone on hunger-strike.

Dr. NALINAKSHA SANYAL: Where is the original statement?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the Hon'ble Mr. Speaker will allow me more than 15 minutes, I will read from the original statement.

Mr. SPEAKER: Order, order. I am very sorry that the hon'ble members do not realise the importance of the adjournment motion and try to interrupt in a manner which is almost an obstruction of the business of the House by the other side.

Mr. SANTOSH KUMAR BASU: You will also please remember, Sir, that there have been interruptions from the other side of the House when this side was speaking.

The Hon'ble Khwaja Sir NAZIMUDDIN: Then, Sir, there are some prisoners who went on hunger-strike after the death of Harendra Munshi on the 1st and 2nd of February. These prisoners when they were asked to state their reasons similarly do not mention any local grievances as the ground for their going on hunger-strike. There were others again who went on hunger-strike. They mentioned local grievances, but that was put down as the last category, without any specific reason or complaint. Now, it was only after Dr. Bhupal Bose had an interview with some of his relations, who had come down from Calcutta, that a few days after that Dr. Bhupal Bose sent a wire and made a statement that he has gone on hunger-strike, not because he wanted the release of political prisoners or the removal of the repressive laws, but on account of local grievances, and afterwards when all the

hunger-strikers met they endorsed that wire at the time when they went on hunger-strike. Then, again, the demands that have been published and the list of grievances that they sent to me by wire, which I believe, I read out in the Bengal Legislative Council a few days ago, and which have been published in the papers,—if members will look at them, they will find that in that complaint practically no specific case is mentioned of any serious local grievance or of any complaint against any local officer. (Dr. NALINAKSHA SANYAL: Question, question.) There has been no specific case of complaint, and in not any of the complaints that have been appearing in the papers, is to be found anywhere any mention of those grievances.

Coming to the question of *sarkar salam* this has been abolished since 1936 and is not in force in the Dacca Jail since September 1936.

Dr. NALINAKSHA SANYAL: What about filing?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, that is not one of their complaints. At the time when in September last year they were asked to put down their grievances before the Jail Advisory Committee, there also we do not find any specific complaint against the local jail authorities, apart from the fact that they insisted on jail discipline being maintained.

Now, Mr. Syamaprasad Mookerjee made a great fuss about the punishment that has been awarded to the late Harendra Nath Munshi for not showing proper courtesy to the Superintendent. Is there anything wrong in that jail discipline has got to be maintained? If a prisoner does not show proper courtesy to the Superintendent, not only it affects the terrorist prisoners but it has its effect on all the other convicts. The report of the Superintendent of the jail is that conditions are becoming extremely difficult in the Dacca Central Jail on account of the lenient treatment that has been meted out to the terrorist prisoners. As far as classifications are concerned, every prisoner who went on hunger-strike was informed that all those who were terrorist prisoners in Division III were to be in Division II before they went on hunger-strike and that they got all the amenities and facilities of Division II. I would ask the House to kindly consider where are we going to six months hence or two months hence or one month hence. Every paper and every platform were making one demand that the convict prisoners should be placed in Division II and that was done. Now what is wanted is that they should be given further amenities, further privileges, further concesisons. The result is, that one of the ordinary prisoners from Dacca who is in jail has claimed that there should be a Jumma mosque in the jail. Now, Sir, this is one of the demands, this is the position, and I claim that Bengal, as far as treatment to convicted prisoners is concerned, is far ahead of any other

province in India, and I can challenge any body on this question. (Laughter in the opposition group.) My statement is correct, but I do not want to mention the provinces where all the convicted prisoners have not got Division II as yet. This is the position. The whole issue to-day of this debate is whether those prisoners who have gone on hunger-strike went on hunger-strike because of unmentionable grievances in the Dacca Central Jail. I hope the House is now convinced that the reason for their going on hunger-strike was not a local grievance, it was entirely due to other political demands which they have been making and they will make, and I assure the House that if the way in which speeches are made continues, then in that case you will have further cases of hunger-strike. If it is said that we are all non-violent and whatever political reforms have been achieved as a result of which responsible Ministers are here to-day, are due to the sacrifice of these people, then I submit that you will never see the end of terrorism in Bengal. If that is the only way by which you can attain political freedom, then the Congress has got no justification for asking these people to give up terrorism, because it is not due to the activities of the Congress but because of the terrorist crimes, murder and shooting that political reforms have been achieved. That is the only way in which you can interpret the speech that has been made by the honourable the mover. But I can say that it was on account of terrorism alone that the inauguration of the new Constitution was delayed and that Bengal ran a great risk of not having all the privileges that have been given under the new Constitution because of terrorism in Bengal. Therefore, I again say, if honourable members of this House maintain that Provincial Autonomy is due to terrorism, due to the sacrifice of the terrorists—(VOICES: Nobody said that). That is what has been said, and that I have put down here, that the Ministers are here because of the sacrifices of the terrorist convicts. I have got it here written down, but I may be wrong If the honourable member withdraws it, then I will accept that. He has said that we are here because of the sacrifices made by men like Harendra Nath Munshi and others. I am afraid, my friend over there will not deny it. Therefore I maintain that they are playing with fire, and there is every danger of hunger-strike going on and of further loss of life unless the people in Bengal and the responsible leaders make it clear that they will not tolerate, they will not encourage, they will not support any hunger-strike, and that they will not expect Ministers and leaders to go to these people in jail and beg of them with folded hands to give up hunger-strike——

(At this stage the Hon'ble Minister having reached the time-limit resumed his seat.)

Several members: The question be now put.

Mr. SPEAKER: The motion before the House is that the question be now put.

Mr. TULSI CHANDRA GOSWAMI: I hope my right of reply still remains even though the closure motion is carried.

Mr. SPEAKER: I am afraid, though you have got the right of reply, my hands are tied now, because the closure motion has been moved. You canont therefore have the right of reply, if the closure is carried.

The closure motion was put and agreed to.

The original motion was then put and a division taken, with the following result:—

AYES.

Abdul Hafeez, Khan Bahadur Syed.
Abdul Majid, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Attab Ali, Mr.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerjee, Dr. Suresh Chandra.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Dass, Babu Debendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Jalaluddin Hashemy, Mr. Syed.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Banku Behari.
Mandal, Mr. Krishna Prasad.
Maqbul Hosain, Mr.
Mookerjee, Mr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Kumar Shib Shekhareswar.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Zaman, Mr. A M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Q.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.

Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur.
Abul Hashim, Maulvi.
Abul Hosain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hosain Jeardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Anderson, Mr. J. P.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Barma, Babu Pramhari.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Brasher, Mr. F. C.
Campbell, Sir George, Kt.
Chippendale, Mr. J. W.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Mr. Monmohan.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlul Rahman, Mr.
Gomes, Mr. S. A.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hartzel, Mr. M. A. F.
Homan, Mr. F. T.
Ispahani, Mr. M. A. H.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kennedy, Mr. I. G.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Milne-Robertson, Mr. C. E. L.
Mohammed Ali, Khan Bahadur.
Mohsen Ali, Mr. Md.
Morgan, Mr. G., C. I. E.
Mosiem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Sekaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswai Haque, Mr. Syed.
Mustafa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Patton, Mr. W. C.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarker the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khandkar, Mr.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tofel Ahmed Choudhury, Maulvi Haji.
Wahur Rahman, Maulvi.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. C.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 74 and Noes 119, the motion was lost.

Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 14th February 1938 at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 14th February 1938, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 223 Members.

STARRED QUESTIONS

(to which oral answers were given)

Ballot voting by symbols in the Municipal elections.

*14. **Rai HARENDRA NATH CHAUDHURY:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state what steps, if any, are being taken to introduce the system of ballot voting by symbols in the Municipal elections that are coming about in the district of the 24-Parganas?

MINISTER in charge of the LOCAL SELF-GOVERNMENT and PUBLIC HEALTH DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): The matter will receive the consideration of Government.

Rai HARENDRA NATH CHAUDHURI: Is the matter receiving the consideration of Government?

The Hon'ble Mr. SYED NAUSHER ALI: Yes, it is receiving consideration.

Rai HARENDRA NATH CHAUDHURI: Is the Government considering the desirability of taking immediate steps in the matter?

The Hon'ble Mr. SYED NAUSHER ALI: I know the urgency of the matter and I will give my best consideration to it. I cannot add anything more.

Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister aware that to introduce the system of ballot voting by symbols it is necessary to have one-seated constituencies or plurality of votes?

The Hon'ble Mr. SYED NAUSHER ALI: I cannot give any opinion without due consideration.

Employees in civil courts of Chittagong.

*15. **Al-Haj Maulana Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state the present number of Muslim and non-Muslim employees, grade by grade, including menials and Government pleaders, in the civil courts of the district of Chittagong?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): *Vide* three statements laid on the Library table.

Excise sub-inspectors.

*16. **Mr. S. A. COMES:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*i*) how many excise sub-inspectors were in the employment of Government on the 31st December, 1937;

(*ii*) how many of them are Indian Christians; and

(*iii*) whether any new appointments are proposed to be made in the near future?

(*b*) If the answer to clause (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many appointments are proposed to be made; and

(*ii*) the number of Indian Christians proposed to be appointed?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*a*) (*i*) 276 (including 22 temporary appointments).

(*ii*) 5.

(*iii*) No.

(*b*) Does not arise.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state with reference to answer (*a*)(*ii*) how many of these are on a temporary basis and how many on a permanent basis?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I want notice.

Remission of rent of the Noabad Taluks in Chittagong.

***17. Al-Haj Maulana Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he is aware—

(*i*) that a large amount of increased rent of the Noabad Taluks in the district of Chittagong was remitted by the Collector in the year 1930; and

(*ii*) that the *talukdars* did not remit the rent of their *raiyats* in proportion?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state the amount of the rent remitted by the Collector and the *talukdars*, respectively?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Not in 1930, but a large amount of rent of Noabad Taluks was abated in 1935, and remission given with retrospective effect from the 1st April, 1931.

(*ii*) Where the rent of under-tenants was too high, the written consent of *talukdars* was obtained to such remissions and abatements as were considered fair. The lowering of under-tenants' rents was a condition precedent to the granting of relief to *talukdars*. Under-tenants whose rents were reduced were informed by post card notices.

(*b*) The total reduction in *talukdars*' rents was Rs. 54,320-10-9, and the aggregate reduction in rents of under-tenants amounted to Rs. 17,769-3.

Detenu Nirmal Chandra Das.

***18. Babu NAGENDRA NATH SEN:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*a*) whether Nirmal Chandra Das of Katipara, police-station Paikgacha, district Khulna, who was in detention at Deoli is still in detention;

(*b*) if so, where is he now;

(*c*) was he ever taken to Ajmere or to Calcutta for treatment, and if so, how long was he kept in these places and what was the nature of the disease;

(*d*) what has been the result of treatment in these places;

(*e*) whether it is a fact that he was sent back to Deoli from Calcutta when he was still ailing;

(*f*) was he and is he still suffering from appendicitis;

(*g*) do the Government intend releasing him soon; and

(*h*) the amount of allowance he is now getting?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) He is domiciled in the district of Dacca.

(*c*) and (*d*) He has received operative treatment on three occasions, twice with complete success and on the third occasion with partial success.

(*e*) and (*f*) No.

(*g*) Not at present.

(*h*) Rs. 25.

Babu NAGENDRA NATH SEN: With reference to answers (*c*) and (*d*), will the Hon'ble Minister be pleased to state what was the nature of the ailment on the third occasion from which the detenu suffered?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not like on principle to give out the nature of ailment of a detenu because I do not think it is advisable to do so.

Babu NAGENDRA NATH SEN: With reference to answers (*e*) and (*f*), viz., No, how can he reconcile this with his statement in answers (*c*) and (*d*), viz., with partial success?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because the operation was not completely successful.

Mr. ATUL KRISHNA GHOSE: What does the Hon'ble Minister mean by partial success? Is it not a fact that detenu Nirmal Chandra Das arranged for operation by a private surgeon but that has been definitely refused?

The Hon'ble Khwaja Sir NAZIMUDDIN: It has not been definitely refused.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether his refusal to give details of the nature of ailments was on the basis of the fact that he does not consider it necessary to do so in public interest?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, not in public interest but in a detenu's own interest. I want to make the position clear. So far as this particular case is concerned, if members insist I will give all the facts later on as I have not got the file with me here. But I want to enunciate the principle here that when a prisoner suffers from a certain disease it is against the interest of the individual detenu himself to make it public. For instance, supposing a person is suffering from insanity or tuberculosis which are hereditary diseases. (A VOICE: Is tuberculosis a hereditary disease?) Yes, we have medical opinion that it is a hereditary disease, in that case if it is made public it may affect him or his relations.

Dr. NALINAKSHA SANYAL: On a point of order, Mr. Speaker. I have heard the Hon'ble Minister to say that he refuses to give details not because it is against public interest but because it is against the interest of the detenu himself. May I enquire whether it is permissible to the Hon'ble Minister to refuse to give an answer for any other reason than that of public interest?

Mr. SPEAKER: I was thinking that the Hon'ble Sir Nazimuddin was falling into your trap when he made that statement in answer to your supplementary question. I shall consider this point and give my ruling later on.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister give us an assurance that he will make arrangement for a successful operation on Nirmal Chandra Das so that he may be relieved of his ailments?

The Hon'ble Khwaja Sir NAZIMUDDIN: I can assure the members of this House that as soon as medical advisers decide that he is fit for an operation again it will be performed upon him.

Mr. ATUL KRISHNA GHOSE: As the request has been a long-standing one, will the Hon'ble Minister take steps to expedite the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly.

Recruitment to the Bengal Senior Service of Engineers.

*19. **Maulvi AULAD HOSSAIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Communication and Works Department be pleased to state whether it is a fact that persons of non-Asiatic domicile only are eligible for direct recruitment to the Bengal Senior Service of Engineers (Roads and Buildings) as Assistant Executive Engineers?

(*b*) Is it a fact that Indian officers in the Bengal Senior Service of Engineers (Roads and Buildings) drawing Rs. 750 or less are classified as second grade officers, whereas non-Asiatic domiciled officers of the same rank are classified as first grade officers, irrespective of their pay?

(*c*) If the answers to clauses (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, do the Government propose taking in the matter to do away with this distinction?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (*a*) and (*b*) Yes.

(*c*) The question of direct recruitment of Indians to the Bengal Senior Service of Engineers is under consideration. A proposal to allow first class travelling allowance to Indian officers of this Service (and other Senior Services) has been abandoned on account of the demand for retrenchment.

Mr. SANTOSH KUMAR BASU: With regard to the Hon'ble Minister's reply that a proposal to allow first class travelling allowance to Indian officers of this service and other Senior Services has been abandoned on account of the demand for retrenchment, does the same consideration apply to the travelling allowance of the Ministers themselves?

Mr. SPEAKER: That question does not arise out of this.

Mr. ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state what is the differentiation between Indian and European officers of this service?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: That was done by the previous Government, and as I have already stated we are examining the question.

Maulvi AULAD HOSSAIN KHAN: Will the Hon'ble Minister be pleased to state if it is possible to give 2nd class travelling allowance to officers of non-Asiatic domicile?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, as I have already stated, the whole matter is under examination, so I have nothing further to add.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state with reference to answer (*c*) that the matter is under consideration, for how long it has been under consideration?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Since the appointment of the Special Officer.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister kindly state whether he proposes to take immediate steps in order to abolish this differentiation?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, it is not possible to take immediate steps, but I think this question is under examination and will be considered in due course.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister kindly state whether his attention has been drawn only by this question or whether it was drawn previously?

Mr. SPEAKER: That is not a fair question.

Mr. RASIK LAL BISWAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state when Government expect to come to a decision?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It is difficult for me to give any idea of time.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister kindly state whether his attention was drawn to this invidious distinction by this question or it was drawn previously?

Mr. SPEAKER: Order, order, that is not a fair question.

Excise rates on ganja and opium.

*20. **Dr. H. C. MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement for the period from 1934 to 1937 showing separately—

(*i*) the excise rates on *ganja* and opium;

(*ii*) the amounts on which such excise rate has been paid; and

(*iii*) the amount sold, year by year, in Calcutta and the jute mill and other industrial areas?

(*b*) Will the Hon'ble Minister be pleased to state whether Government propose to frame and maintain a register of habitual *ganja* smokers and opium eaters as in Assam and to issue passes to them?

(*c*) Do the Government consider it desirable to introduce the policy of 10 per cent. reduction in the amounts supplied to habitual users of opium and *ganja* as has been found successful in Assam?

(*d*) If the answers to (*b*) and (*c*) are in the negative, will the Hon'ble Minister be pleased to state the reasons?

The Hon'ble Mr. PRASANNA DEB RAIKAT: A statement is laid on the table.

(*b*) to (*d*) In Assam there is a pass system in regard to the supply of opium only. The Administration Reports of the Excise Department in Assam seem to indicate that the pass system and the policy of 10 per cent. cut in the rationing of this drug have not been successful and that they have encouraged smuggling and illicit practices.

What might be possible in Assam with a small area and small population and comparatively small gross consumption of opinion is not possible in Bengal without a very great increase in staff.

With a view to restrict the consumption of opium in Bengal the following measures have been adopted:—

(1) The individual private possession at a time and retail sale of excise opium *per diem* to one person in Calcutta and the industrial areas situated in the three metropolitan districts of Bengal, viz., the 24-Parganas, Hooghly and Howrah, has been limited to 12 grains except on a permit granted by the Superintendent of Excise of the district concerned on the production of a medical certificate in which case the limit is fixed at half a tola (90 grains).

(2) In the rest of the province, the limit of retail sale and private possession has been reduced from 3 tolas (540 grains) to 1 tola (180 grains). It has been further prescribed that every licensed vendor shall record the names and addresses of all purchasers on the same day of half a tola of opium or over, when ordered by the Collector to do so.

(3) The Bengal Opium Smoking Act has been introduced under which persons already addicted to opium smoking have been registered, and any person other than a registered smoker indulging in the practice renders himself liable to prosecution and punishment.

As regards *ganja*, this drug is subject to more restriction in Bengal than in Assam or any other province of India.

Statement referred to in reply to clause (a) of starred question No. 20.

(i) and (ii)

	Rates of duty.	Consumption in seers.
	GANJA.	
1934-35	.. Rs. 40-12 per seer	33,419
1935-36	.. Ditto	32,836
1936-37	.. Rs. 42-4	32,487
	OPIUM.	
	Treasury price.	
1934-35	.. Rs. 91 per seer except in border shops in which the rate was Rs. 76 per seer.	26,258
1935-36	.. Rs. 91 per seer except in border shops in which the rate was Rs. 76 per seer.	25,719
1936-37	.. Rs. 91 per seer, except in border shops in which the rate was Rs. 51 per seer.	25,051

(iii) *Consumption in Calcutta and its suburbs.*

	Ganja.	*Opium.*
	Seers.	Seers.
1934-35	6,519	7,836
1935-36	6,264	7,680
1936-37	5,867	7,358

Separate figures for industrial and jute mill areas are not available.

Dr. H. C. MUKHERJI: Is the Government aware that in the last Opium Report of Assam it was stated that the consumption of opium as a result of this 10 per cent. cut has been reduced from 29,000 seers to 9,572 seers?

The Hon'ble Mr. PRASANNA DEB RAIKAT: The Government is not aware of the result.

Babu NAGENDRA NATH SEN: With regard to answers (*b*) to (*d*) measures adopted No. 2 "when ordered by the Collector to do so", will the Hon'ble Minister be pleased to state in how many districts the Collectors have made such orders?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I want notice Sir.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the time when the restriction will come into force?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Sir, it is in force.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state what was the amount of opium consumed before the inauguration of the restriction, and what is the amount consumed now?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Sir, I want notice.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether there is any rule which limits the amount of opium which may be supplied to a smoker as mentioned in paragraph 3?

The Hon'ble Mr. PRASANNA DEB RAIKAT: It has already been stated that the amount of retail sale and private possession has been reduced.

Dr. H. C. MUKHERJI: Am I to understand that the amount of opium which may be smoked daily is half a tola? Is there any rule regarding the amount of Ganja which may be supplied to a man and any rule regarding the amount which may be in private possession under last paragraph 3?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I want notice Sir.

Prohibition of Liquor.

***21. Mr. BANKU BEHARI MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether the Government propose to take steps for total prohibition of liquor?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for the proposal to open two new country spirit shops in the subdivision of Asansol in the district of Burdwan at Sripur and Baidyanathpur?

The Hon'ble Mr. PRASANNA DEB RAIKAT: (*a*) Government have decided to enforce prohibition of alcoholic beverages as an experimental measure in the district of Noakhali with effect from the 1st April, 1938. Further steps will depend upon the result of this experiment.

(*b*) A proposal to open a new country spirit shop at Sripur in the Asansol Subdivision is under the consideration of the Asansol Licensing Board. The final decision of the Board has not yet been received. No proposal for opening a new country spirit shop at Baidyanathpur has been received.

Dr. H. C. MUKHERJI: How many liqour shops there are in the district of Noakhali? What is the amount realized in the form of fees and taxes, and what is the percentage of the total revenue from alcoholic liquors?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I want notice, Sir.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*a*) will the Hon'ble Minister be pleased to state why the district of Noakhali and not Burdwan has particularly been selected for experiment?

The Hon'ble Mr. PRASANNA DEB RAIKAT: It was the Hon'ble Chief Minister's choice that it will considerably suit for the purpose.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that Noakhali is one of those districts which consume the least amount of alcohol?

The Hon'ble Mr. PRASANNA DEB RAIKAT: It may be, but it was considered suitable for this experiment.

Rai HARENDRA NATH CHAUDHURI: Why then one of those districts which consume the heaviest amount of liquor has not been chosen?

The Hon'ble Mr. PRASANNA DEB RAIKAT: It is the Government's decision.

Rai HARENDRA NATH CHAUDHURI: We want to know the reasons why?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Because Government want to see that the experiment succeeds there.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether it is a fact that there are only two country liquor shops in the whole district of Noakhali yielding a revenue of Rs. 5,000?

The Hon'ble Mr. PRASANNA DEB RAIKAT: There may be about 4 or 6 shops, but I canont say offhand.

Maulvi ABUL HASHIM: Will the Hon'ble Minister be pleased to state if they propose to take up experiment in other districts if the experiment in that district proves a failure?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I cannot say now, Sir.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state why no industrial centre where the coolies ordinarily take liquor was chosen for the experiment.

The Hon'ble Mr. PRASANNA DEB RAIKAT: It was not considered suitable.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if orders have been issued to the Superintendents of Excise of the districts not to open new liquor shops any more?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I cannot enlighten the Hon'ble Member.

Mr. SANTOSH KUMAR BASU: Have the Government decided on a general policy of prohibition?

The Hon'ble Mr. PRASANNA DEB RAIKAT: That will depend upon the success of this experiment.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: Is Government prepared to accecpt the policy of local option, that is, whether local bodies can take to prohibition of liquor?

Babu NAGENDRA NATH SEN: Will the Hon'ble Ministers be pleased to state whether, by prohibition of alcoholic beverages, he means both imported and country-made liquors?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Only country liquor.

Mr. SANTOSH KUMAR BASU: Have the Government considered the advisibility of advising the licensing board all over the province to restrict the grant of liquor licences to new shops?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Not as yet.

Dr. H. C. MUKHERJI: Is it a fact that there are 34 excise shops which have not been touched in the same district of Noakhali?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I ask for notice.

Muslim appointments in the Noakhali Collectorate.

*22. **Maulvi MUHAMMAD IBRAHIM:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the number of clerks appointed in the Noakhali Collectorate during the last three years;

(*b*) the number of Mussalmans in these appointments;

(*c*) whether the percentage fixed by the Government for appointments of Mussalmans was observed in making these appointments? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) A statement is laid on the table.

(*c*) Yes.

Statement referred to in the reply to starred question No. 22 showing the appointment of Muslims in the Noakhali Collectorate.

Year.	Number of clerks appointed.		Number of Mussalmans holding these appointments.	
	Permanent.	Temporary.	Permanent.	Temporary.
1934-35 ..	5	24	2	10
1935-36 ..	6	23	1	8
1936-37 ..	2	36	2	17

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state what is the percentage referred to in the question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think it is 33⅓ per cent.

Speedy disposal of cases in the subordinate courts.

*23. **Mr. MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether it is a fact that there is a High Court circular for the speedy disposal of the cases both civil and criminal in the subordinate courts?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is a fact that there are some suits pending in the courts of the District Judge, Mymensingh, for about twenty years?

(*c*) Are the Government considering the desirability of making inquiries and of taking steps for remedy?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Yes; there are several circulars bearing on the point.

(*b*) Only one Partition Suit No. 75 of 1918 pending for final decree. The suit was instituted in 1918 in which there were 197 defendants, and the passing of the preliminary decree was delayed to the 7th June, 1932, owing to frequent deaths of parties. The preliminary decree was, however, signed on the 17th July, 1934, after disposal of a review case. The number of defendants has now multiplied into 543 and objections are being preferred and disposed of and substitutions frequently made.

(*c*) Order 22, Rule 4, Civil Procedure Code, is being amended by the High Court with a view to obviate difficulties of substitution of parties in cases like this.

Mr. MONMOHAN DAS: Is the Hon'ble Minister aware of the fact that there has been some partition suits which are pending in the High Court for more than one hundred years for the partition of a Muhomedan estate?

Mr. SPEAKER: Order, order. That question does not arise.

Mr. SHAHEDALI: Is the Hon'ble Minister aware whether as a result of this High Court circular some courts care now more for speedy disposal than for justice?

Mr. SPEAKER: Order, order. That question does not arise.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether under the pretext of speedy disposal, some courts do not allow sufficient time to parties to bring their lawyers?

Mr. SPEAKER: Order, order. I do not allow that question.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to enquire into these allegations?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not believe it is necessary.

Panel of Public Prosecutors and Crown briefs at Noakhali.

***24. Maulvi MUHAMMAD IBRAHIM:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*a*) how many pleaders are there in the panel of Public Prosecutors at Noakhali;

(*b*) how many Crown briefs were transferred to each of the panel pleaders during the last 3 years;

(*c*) what is the amount drawn by each of the panel pleaders for the Crown briefs during the last 3 years;

(*d*) how many Crown briefs sessions and criminal cases were transferred to Government Pleader;

(*e*) what was the amount drawn by the Government Pleader for criminal works during the last 3 years;

(*f*) is the Hon'ble Minister aware—

(*i*) that usually the surplus criminal briefs are transferred to Government Pleader in preference to panel pleader at Noakhali,

(*ii*) that Government have to pay much more to the Government pleader than to a panel pleader, and

(*iii*) that the Government pleader is meant only for civil works and not for ordinary criminal works; and

(*g*) will the Hon'ble Minister be pleased to state what is the practice about the transfer of surplus criminal briefs in other districts in Bengal?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) to (*c*) *Vide* statement I laid on the Library table.

(*d*) and (*e*) *Vide* statement II laid on the Library table.

(*f*) (*i*) The Government Pleader was appointed to conduct important sessions and other criminal cases when the Public Prosecutor was not available. The appointment of the Government Pleader was considered a necessity in the interest of administration.

(*ii*) The daily fee sanctioned for the Government Pleader in criminal cases is higher than the rates fixed for panel pleaders.

(*iii*) The Government Pleader is also *ex-officio* Public Prosecutor and may be engaged in any criminal case when the Public Prosecutor is not available.

(*g*) The distribution of surplus criminal briefs to panel pleaders is made by the District Magistrate who exercises his own discretion and judgment in the matter.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he considers it desirable to place the statement here, instead of on the library table in order to save the inconvenience of the members?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I think the other place is more suitable.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister kindly state that in view of the fact, that out of 19 surplus cases 14 have gone to the file of Rajen Babu and only one among the Mahomedan pleaders, what is the guiding principle for the distribution of the surplus cases?

Mr. SPEAKER: I think that does not arise. The answer is already there that the District Magistrate will exercise his discretion. The Hon'ble Minister cannot answer further.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please issue instructions to the district officers to see that equitable distribution of cases is made among the competent pleaders?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not think I am to answer this question now because it is a question for taking action.

Mr. SPEAKER: I am afraid the question in the form in which it was first put was incorrect but in its present form, it is technically correct.

Maulvi ABDUL LATIF BISWAS: My question is, will the Hon'ble Minister kindly state whether he considers the desirability of instructing the District Magistrates for the equitable distribution of the cases among the competent lawyers.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Although I would like it to be so, I cannot hold out any promise to anybody that it will be done in the interests of the pleaders.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister kindly state whether he considers it desirable to issue instructions for the distribution of cases among the competent lawyers?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That is very difficult.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that in the district of Murshidabad, Crown Briefs are not distributed to the panel pleaders by rotation?

Mr. SPEAKER: Order, order, does that arise?

Maulvi ABDUL BARI: That comes under clause *(g)*.

Mr. SPEAKER: Then you can put it.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that in the district of Murshidabad, Crown Briefs are not circulated by rotation to the panel pleaders but are distributed only by preferential choice?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I would say that this also is in the discretion of the District Magistrate.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Employment of youths.

3. Maulvi MUHAMMAD IBRAHIM: Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state—

(*a*) what provision do the Government propose to make for the employment of youths suspected of complicity in political offences; and

(*b*) whether the Government have in contemplation any scheme for providing suitable employment to the vast number of unemployed Muslim youths, free of complicity in political offences; if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The hon'ble member is invited to refer to the communique on the subject which was lately issued by Government on the 5th January, 1938, where a fuller statement is made than would be possible in answer to this question.

(*b*) Unemployment as a general question is in the portfolio of the Hon'ble Minister in charge of the Agriculture and Industries Department, and any information regarding Government's policy in that matter may be obtained from that department by means of suitable questions.

Civil court works in Bagerhat and Satkhira.

4. Babu NAGENDRA NATH SEN: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) the total number of suits instituted in the subdivisions of Satkhira and Bagerhat in 1933 and 1937;

(*ii*) the reasons for the variation in the number of Munsifs in these subdivisions during the periods 1933 and 1937;

(*iii*) the total number of ministerial officers in these munsifs during the years 1933 and 1937;

(*iv*) the total number of suits instituted in these subdivisions on the *Tamadi* day (i.e., April institutions) in 1933 and 1937;

(*v*) why the number of clerks has not been increased in spite of increase of work;

(*vi*) whether any reduction of work in those two subdivisions has been effected by the establishment of Debt Settlement Boards; and

(*vii*) whether there is any dissatisfaction amongst the public owing to want of speedy disposal of routine work?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:

		1933.	1937.
(*i*) Satkhira	...	7,292	9,986
Bagerhat	...	7,967	8,912

(*ii*) Both the subdivisions had two Munsifs each both in 1933 and 1937 and hence there was no variation.

(*iii*) Including probationers and temporary clerks, the figures are as follows:—

		1933.	1937.
Satkhira	...	23	21
Bagerhat	...	22	24

(*iv*) The figures are as follows:—

		1933.	1937.
Satkhira	...	5,407	7,506
Bagerhat	...	5,348	6,215

(*v*) The question of reorganisation of the staff of civil courts throughout the province is under consideration of Government.

(*vi*) Nothing appreciable.

(*vii*) There were two complaints—one in 1936 by a pleader's clerk of Bagerhat on the ground that the decrees in rent suits were not drawn up in time, and the other in 1937 by the Secretary, Bar Association, Khulna, on account of delay in drafting and preparing sale certificates. Necessary action was taken.

Process-servers of Noakhali civil courts.

5. Maulvi MUHAMMAD IBRAHIM: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) the number of clerks and process-servers appointed in the civil courts, Noakhali, during the last three years; and

(*b*) the percentage of Mussalmans in those appointments?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) and (*b*) Number of clerks appointed in—

	1935.	1936.	1937.
Permanent ..	4	6	3
Temporary ..	2	2	22

Percentage of Mussalmans in those appointments—

	1935.	1936.	1937.
Permanent ..	75	33·3	33·3
Temporary ..	50	50	36·3

Number of process-servers appointed in—

	1935.	1936.	1937.
Permanent ..	..	..	56
Temporary ..	..	..	23
Probationer ..	..	..	20

Percentage of Mussalmans in those appointments—

	1935.	1936.	1937.
Permanent ..	..	..	48·2
Temporary ..	..	..	56·5
Probationer ..	..	..	55

No new appointments under the Government order were made in the process-serving establishment in the years 1935 and 1936.

Audit fees from rural societies.

6. Maulvi MUHAMMAD IBRAHIM: (*a*) Will the Hon'ble Minister in charge of the Co-operative and Rural Indebtedness Department be pleased to state whether the Registrar, Co-operative Societies, has received resolution from Co-operative Banks and rural societies protesting against the audit fees realised by the department from rural societies on the ground of hardship caused to the societies?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, do the Government intend to take in the matter?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) A few Co-operative Societies applied for remission of audit fees due from village societies.

(*b*) Remission of audit fees is granted by the department in cases of hardship.

Staff of different communities in Communications and Buildings Branch.

7. Maulvi AULAD HOSSAIN KHAN: (*a*) Will the Hon'ble Minister in charge of the Communication and Works Department be pleased to lay on the table a statement showing for the present time separately the number of Muhammadans, Scheduled castes, Caste Hindus, Europeans and Anglo-Indians in the Communications and Buildings Branch—

(*i*) Indian Service of Engineers,

(*ii*) Bengal Senior Service of Engineers; and

(*iii*) Bengal Engineering Service, old scale?

(*b*) What is the present policy of Government regarding promotion of Assistant Engineers to the rank of Executive Engineers (Communications and Buildings) and what is the age-limit?

(*c*) What steps, if any, do the Government intend taking for the appointment of qualified Muhammadans in the Bengal Senior Service of Engineers to fill up the requisite quota?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: (*a*) A statement is laid on the table.

(*b*) Under the present rules, Assistant Engineers are promoted to 60 per cent. of the posts of Executive Engineer. The age-limit is 40 in the case of officers recruited after the 22nd May, 1930.

(*c*) Indians are not at present recruited direct to the Bengal Senior Service of Engineers. The question of making direct recruitment of Indians to this Service and also of reserving a certain percentage of these posts for Muhammadans is under consideration.

Statement referred to in the reply to unstarred question No. 7, showing the number of members of different communities employed in the Engineering Services under the Department of Communication and Works (Communications and Buildings).

	Muhammadans.	Scheduled castes.	Caste Hindus.	Europeans.	Anglo-Indians.	Total.
(i) Indian Service of Engineers ..	Nil	Nil	5	8	Nil	13
(ii) Bengal Senior Service of Engineers ..	Nil	Nil	1	2	Nil	3
(iii) Bengal Engineering Service, old scale ..	Nil	Nil	23	Nil	Nil	23

Partition of the district of Mymensingh.

8. Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether the Government contemplate to partition the district of Mymensingh in the near future;

(*b*) if so, when and in what manner;

(*c*) the amount spent by the Government for creating district headquarters at Kishoreganj;

(*d*) the area acquired by the Government for the purpose;

(*e*) the total cost of such acquisition;

(*f*) whether the Government have received any recommendation from the Collector of Mymensingh on the partition scheme;

(*g*) if so, the purport thereof and the attitude of the Government to it; and

(*h*) the amount that will be needed both recurring and capital expenditure to give effect to the partition scheme?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) Does not arise.

(*c*) Rs. 4,54,512.

(*d*) About 132·9 acres.

(*e*) Rs. 3,76,860.

(*f*) No official recommendation has been received.

(*g*) Does not arise.

(*h*) There is no partition scheme at present under consideration of Government.

Staff in the Department of Industries.

9. Mr. S. A. COMES: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing:—

(*i*) the number of persons employed in each of the grades in the Department of Industries on the 31st December, 1937; and

(*ii*) the number of Indian Christians employed in each grade on that date?

(*b*) Are the Government considering the desirability of taking any steps for encouraging the employment of properly qualified Indian Christians?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibulla Bahadur, of Dacca): (*a*) (*i*) A statement is laid on the Library table.

(*ii*) A statement is placed on the table.

(*b*) I shall make every endeavour to secure proper representation of Indian Christians in the posts under the department provided suitably qualified candidates are available.

Statement referred to in the reply to clause (a)(ii) of unstarred question No. 9 showing the posts at present held by the Indian Christians under the Industries Department.

	Rs.
Head Master, Government Weaving School, Suri, Birbhum ..	100—5—200
Drawing Master, Government Weaving Institute, Serampore ..	150—10—250

Women's Section, Government Weaving Institute, Serampore.

	Rs.
Lady Superintendent ..	75—8/2—115—5/2—135—10/2—175
Weaving Teacher ..	60—7/2—95—5/2—140
Expert Weaver ..	30—3/2—40
Skilled Operative, Boot and Shoe Party	70
Inspector of Sericulture ..	125—250
Clerk, Sericulture Section ..	40—100
Clerk, Sericulture Section ..	35—60

Short notice Question.

Mr. SPEAKER: There is one short-notice question of Khan Bahadur Syed Abdul Hafeez, and I understand, Government is prepared to answer that.

Khan Bahadur SYED ABDUL HAFEEZ: Mr. Speaker, Sir, will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) Whether the present Secretary of the Public Service Commission Maulvi Waliul Islam is going to be replaced by a non-Mahomedan officer?

(*b*) Is it a fact that the said officer has retired from Government service?

(*c*) Is Government aware of the resentment of the Muslim community over this decision?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) This question is still under consideration, and no decision has yet been arrived at.

(*b*) and (*c*) does not arise.

Khan Bahadur SYED ABDUL HAFEEZ: When the decision will be arrived at?

The Hon'ble Mr. NALINI RANJAN SARKER: As soon as possible.

Adjournment motion.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, may I with your permission move the adjournment motion which I did not move the other day, and about which you asked me to make a statement?

Mr. SPEAKER: I have got your written statement with me, but could you give me any reason why you did not move it on the 7th of February last?

Mr. SYED JALALUDDIN HASHEMY: I could not move this adjournment motion on that day as I did not get an opportunity of doing so. There was one adjournment motion on the 7th, and another on the 8th.

Mr. SPEAKER: I think, Mr. Hashemy, that you cannot expect to move one adjournment motion and postpone another. I am very sorry. In a matter like this I am always prepared to give reasonable facilities, but I am afraid that, in the present circumstances, I shall have to rule it out of order on the ground that it was fully open to you to move it on the 7th, and you did not.

Motion on the Privilege of the House.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, the hon'ble member from Murshidabad raised the question of the arrest of an hon'ble member of this House. Intimation has come to us that the hon'ble member in question has been released on bail, and, therefore, the resolution, as worded by the hon'ble member opposite, will, perhaps, be ruled out. I have sent in another resolution connected with the privileges of the members of this House to you, and I now beg leave to move it.

Mr. SPEAKER: I received to-day notice of a privilege motion, and as the time was short it could not be circulated, but I will read it out before the House.

The terms of the resolution of Mr. Abdur Rahman Siddiqi, are these: In view of the arrest of a member of this House and his detention in custody during the present session of the Assembly and the consequent inability of the said member to attend the sittings of the House to which he was duly summoned, this Assembly is of opinion:—

(A) that the Committee of Privilege constituted the last session be reconstituted with the Speaker as Chairman to function until the Rules and Standing Orders of the House provide otherwise and that the Committee be instructed:—

(*1*) to report on the present position of the privilege of a member of the Legislature,

(*2*) to recommend such other privileges or modifications of the existing privileges as may be deemed necessary for the due discharge of the functions of a member, and

(*3*) to draft a Bill embodying the privileges as may be recommended by the Committee; or in the alternative,

(*B*) that the Speaker be authorised to constitute a Committee of Privileges after consultation with the Leaders of various Groups of the House for the purpose and to secure the objects stated in (A).

Mr. SPEAKER: Mr. Siddiqi, you want to move your resolution now?

Mr. ABDUR RAHMAN SIDDIQI: Yes, Sir. I want that this resolution should have precedence over all other business now before the House.

Mr. SPEAKER: Is there any objection?

(Cries of "We all support it".)

In view of the fact that there is no objection to Mr. Siddiqi moving this privilege motion now, I rule that, as this motion relates to privileges of members of this House, it should have priority and should be taken up before all other business.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, it is with a sense of responsibility and a good deal of nervousness that I have fathered this resolution. The reason for it is that I do not want the House to lose the opportunity of placing on record its views regarding this important matter of its privileges. I am extremely grateful to you, Sir, that, in your wisdom, you have decided, and so has the House, to permit me to move it.

Before I begin to speak on the actual subject-matter of the motion, Sir, I would like to say—and my brother members in this House will realise it—that I am not speaking as a party man, for our rights and privileges are above party loyalties and party discipline. (Cries of "Hear, hear"). It is on this background, that I should like the House to discuss this matter and in the spirit in which it should be discussed.

Another little difficulty that I should like to remove from my way is that the Honourable Member who has been arrested holds views diametrically opposed to mine on many problems affecting the social, political and other activities of our people. For instance, he believes that society should be divided on an economic basis. I, as a Muslim, do not believe in that. Therefore, although I differ from him fundamentally on certain basic principles of Indian politics, I still feel that the Honourable Member should have the right to speak freely and to propagate his ideas as he thinks best.

Sir, India was suspicious of the new Act, and the whole country rejected it, except this that, hopeless of its being replaced by any other measure, most of the leading political parties decided to work it. But to say that the Government of India Act, which confers Provincial Autonomy, is a perfect piece of legislation, is very far from the fact, and I do think that as the framers of this Act, over which years and years of labour have been spent and in connection with which many a Round Table Conference was held, did not see to it that a section on the question of privilege was incorporated in it, the suspicion does get a foundation. They had before them the whole history of the House of Commons; they had before them the whole history of the constitutions of the Colonies and the Dominions in the British Empire, and yet the Government of India Act leaves this important problem of the privileges of members of legislatures and the privileges of a Provincial House of legislature untouched. It does make one doubt the intentions of the framers of the Act.

Sir, we are asked to adopt *in toto* the principles followed by the Mother of Parliaments. The provincial legislatures in India, as also the Central Legislature, are supposed to be replicas of the Mother of Parliament. We try to follow the ideas and conventions of the British Parliament. I do hold, and the House will agree with me, that in this most important convention, and even law of the Parliament, we shall be doing right in trying to follow the Mother of Parliaments and the law laid down by it on the subject by those who have nurtured the British constitution. I shall not bore the House by giving a history of the fight between the Crown and the representatives of the people in the stormy days of the Stuarts: I shall not place before the House the thousand and one law cases in which the fight between the Crown and the representatives of the people has gone in favour of the representatives; but when I translate bodily these conventions, laws and the

principles underlying the rights and privileges of a House of Legislature to India, I do feel a bit disturbed, because here the Crown is six thousand miles away and its representatives in India sometimes take the law into their own hands. I hold, Sir, that now that we have been given a measure of autonomy the time has come when the effort of the executive, whether in the Civil Service or in the Police Service, to retain its suppremacy, should and must be curbed. They shall not rule the Cabinet or the Government of the day: they shall not place us any more in awkward positions, because the Government is now, in a way, responsible to this House. The Cabinet must rule the Services and not the Services the Cabinet. The Cabinet must dictate the policy and it must tell these agents who have to carry its policy into operation, that the angle of vision—that much hackneyed expression—is literally changed. They have got to be told that they too have to change accordingly and carry out the policy laid down by the Government.

In a case of the character that has come before us so suddenly it is not that one Member of the House has been silenced but that there are greater issues involved in it—the matter is of great and serious importance. Sir, it should be remembered that by such restraint a certain constituency remains unrepresented and, if you go a bit further, it will be realised that if a Member be kept out and a constituency kept unrepresented, we have got to decide whether the House is fully constituted and properly representative. If a member remains outside at his own free will that is a different matter, but if a member is forcibly kept out, I submit, the House is not fully and properly representative, and for that reason, Sir, whatever representation we have got becomes unreal and illusory. I do not propose to go into the details of the case, because I might be told that the matter is *sub judice*. I might be told that action has already been taken and if I go into details and try to put before the House my own point of view, the High Court will perhaps come down upon me. Therefore, Sir, I shall seek safety; but I do believe that the leaders of the representatives in the British House of Commons through its Speaker have established precedents and conventions, and even Judges of the English High Court have stood by the rights of the people; and here I do feel that even the Judges of the Calcutta High Court will not be ashamed—will be in fact proud—of following in the footsteps of the great judges who have acted as the pillars of the British constitution and who formulated many of the fundamental principles of the British constitution in days gone by. I think that every Englishman realises that his rights—his common law rights, constitutional rights and his rights as a citizen—are safe in the hands of the Judges of the British High Court. I submit, Sir, that this view do prevail in India also for the simple reason that although clever lawyers may try to find subleties and legal quibbles to side-track

great and important issues, I hold that the fundamental rights of a citizen, the fundamental rights of his representative in a House of Legislature supersede every other law; every other law which is repugnant to the subject, the context and spirit of the rights of a citizen should go by the board. I am anxious that we should establish these rights and privileges on such a high pedestal that the ordinary practitioners of law should feel that it will be of grave and serious consequence if they are diturbed or meddled with.

I may also place before the House another aspect of this problem. The new Houses of Legislature in Indian provinces have been trying, since the advent of the new constitution, to put their Houses in order, for they want peace, they want time to study, they want to put their heads together and concert measures to push India a bit forward. If at such a time the executive through its agents tries to side-track the minds of the representatives of the people of the province through a policy of pin-pricks, petty persecutions, inconveniences and irritations, I am certain that my fellow-members in this House will quash unhesitatingly all such attempts at the very start. We have all come—the Congress as well as the Muslim League to this House after having declared publicly that repressive laws in the land must be repealed. I consider that repression reaches its extreme height when an elected representative of the people is debarred from taking part in the discussions in the House to which he has been elected, and, therefore, I am bold enough to assert that the Congress as well as the Muslim League with its Praja link will look at this aspect of the question with disfavour. I think that in a question like this the House should send forth a call and declare its will and pleasure in no unmeasured terms on this important problem which has come before us to-day. Let every man and woman in Bengal be told that he or she is free to hold any political opinions, that he or she is equally free to propagate any idea so long as it is propagated in a decent and constitutional manner. If the action of the executive goes unchallenged in this case it creates a situation which I shudder to think. To-day it is the case of a representative who wanted to go to Comilla: let us think of another possibility. Let us visualise an occasion when the voting is likely to be evenly balanced, when the voting is likely to be a neck and neck race between two groups in this House. What is there to stop the executive from trumping up imaginary charges against two or three members to keep them away and to stop them from attending this House on a particular day to record their votes. We have got to tackle this problem seriously as a question of principle. To-day it may be the present Government but to-morrow it may be that the Opposition will take charge of the responsibilities of office. If they decide that I should not be allowed to speak to a certain motion it would be the easiest thing for them just to bring a charge against me and keep me away from the House. Therefore it is for my own safety that to-day I have taken up this

problem and am trying to place it before the House with all the sincerity that I possess. In doing so I am not in any way trying to cast any reflection on the Cabinet and particularly on my Hon'ble friend the Minister for Home Affairs. Personally, I was rather astounded at the fact that there were members still in this House who were not prepared to acknowledge the generous and sportsmanlike manner in which the Hon'ble Minister in charge of Home Affairs came out in the matter of the release of the detenus. I, as an Indian, am grateful to him and I feel that he has eclipsed all other Cabinets in every other Province (Cries of hear, hear.) The Hon'ble Minister may have done it out of his own heart but I want to give credit to him, to his colleagues and to the officers concerned. Let them go ahead in the same spirit. Let them not be disturbed by what a petty Collector or a petty Superintendent of Police may say or do. Let them decide here on the facts placed before them by the representatives of the people; let them realise that Indians to-day are imbued with a mentality quite different from that which prevailed at the time when the country was ruled by the Indian Civil Service which the late Mohamed Ali described as neither Indian nor Civil nor composed of Servants of the public.

If this kind of running away with the rights of the citizens is permitted the legislative machinery, Provincial Autonomy and our progress constitutionally become a farce. We have got to establish conventions and practices for this House. We connot wait for centuries like the British House of Commons to do this. We have got to take all the rights that any House of Legislature either in the British Empire or outside it has, for we cannot wait long with patience. The Colonial Parliaments were given the rights for which the Englishman fought for centuries. Only one section enumerates them in their constitutions. It is therefore right and correct that we too should at once take all the rights that we can without waiting for forming any convention, without waiting for long decades till the executive has run riot and played havoc with them. We are not demanding anything new; we are demanding something which has already been granted in other Constitutions and to other Parliaments; we are demanding something which has been considered reasonable and appropriate for other parts of the British Commonwealth. If I were demanding something silly or something nonsensical, I would at once accept the weakness of my case. Let us put our heads together. Let every group in this House come out with suggestions. Let us then give a lead not only to Bengal but to every Province in India, because none has yet tackled this problem or given thought to it seriously.

Coming down to what we actually want, I have found a phrase in an old English description of what a parliamentary privilege means. It means that the "liberties, franchises, privileges and jurisdictions of Parliament are the ancient and undoubted birthright and inheritence

of the subjects of England". I want to have these for India and for Bengal. The Speaker in each House of Parliament has many privileges, but that I shall leave to the Committee which I am suggesting to the House to appoint. But the more important among these rights are the right of collective access to the Crown; freedom from arrest; freedom of speech and freedom of association; power to inflict punishment on members and non-members and the last, against which there is a section in the Government of India Act, which we shall have to try and get amended, to the effect that this House become the High Court of Parliament in Bengal. Until we reach that stage we shall not attain our full stature.

I have not been able to study the subject in greater detail, but a privilege is taken away from a member of a House of representatives only on two grounds—treason and felony. Treason is capable of many interpretations but in the English law treason is akin to murder. It is one of the most important and one of the most heinous crimes in the British list of crimes, but in India anybody can be arraigned of this crime. Those who have had the occasion to study the sad history of those two terrible and notorious Sections of the Indian Penal Code, 124A and 153A, will agree with me that Indians have been persecuted in the name of the "Government established by law" in this country on flimsy grounds and on charges that would not have stood the light of day in any other country. When we talk of treason and felony in India, we have got to think of them in our own terms. Even an innocent misdemeanour is liable to be considered as a treasonable crime under the semi-martial law conditions obtaining in Bengal to-day. Questions which do not involve a moral turpitude, shall not be interfered with or punished.

I realise that I have taken up a good deal time. The law as it stands to-day leaves much to be desired. Section 71, of the Government of India Act of 1935, says:

> "there shall be freedom of speech in every Provincial Legislature and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof and no person shall be so liable in respect of the publication by or under the authority of the Chamber of such a Legislature of any report, paper, votes or proceedings".

It gives us freedom of speech inside the Chamber and freedom from prosecution on the publication of what we have said. But as the Reforms Enquiry Committee, in reference to legislatures in other parts of the Empire tells us:

> "the matter has been generally dealt with by the enactment of a provision in their Acts of Constitution enabling the Legislatures to define their own powers, privileges and immunities

with the restriction that they should not exceed those for the time being enjoyed by the British House of Commons. Eventually no doubt similar provision will be made in the Constitution of British India."

About India, the same Committee says:

"we feel that the legislatures and the members thereof have not been given by the Government of India Act all the protection that they need."

It was the obvious duty of those who framed the Government of India Act to include a section in the Act on this important point. But as they have not done so, I hold, that we shall be absolutely within our rights to legislate on it because we have the power to do so, under section 71, clause (2) of the Government of India Act of 1935, which lays down that:

"the privileges of members of a Chamber of a Provincial Legislature shall be such as may from time to time be defined by Act of the Provincial Legislature and until so defined shall be such as were immediately before the commencement of this Part of this Act."

In the old Act of 1919, Section 110, is supposed to have given privileges, but to whom?—to the Governor-General, to the Governors of Provinces, to the Members of their Executive Councils, and to the Ministers; and even then only against the "original jurisdiction of any High Court"? Any third class honorary magistrate could have taken to task any Minister or perhaps even the Governor! You, Mr. Speaker, would not have been safe under that law.

I shall now try to look at another aspect of the motion. If you think I am a bit of a visionary then my reply is: I am. I hold that if we are united as a whole House on this problem, it may be that it will bring us together and nearer to deliberate jointly on other problems which affect the country as a whole. The differences between the Congress and the League may remain, but a happier day will dawn when we shall have looked at least at one problem from the same angle of vision and in the same manner. Who knows that one may become two and two become five and ultimately we may reach a stage where there shall be no difference between the two political bodies in India and, joined together, we may go forward and fight for the rights of India. We shall be opening up new vistas and new avenues of co-operation if we have established the rights of this House and of every member in it, and coming generations will perhaps bless us, for what we have done. I seek the support of the whole House. I seek the support of the Government, the Congress and our European and Anglo-Indian friends, of the Praja section and the scheduled and non-scheduled caste members and, in fact, of every individual member of this House, because

it affects every one of us individually and collectively. We have got to establish our status, we have got to tell those who want to interfere with our rights that it shall not be permitted any more. I look to the House to support me, but I look up to you also, Sir, to guide us and lead us through to success. The Speakers in the long history of the Mother of Parliaments had led the country on the right path. The very word 'speaker' means a person who speakes for and on behalf of the people and stands up for the rights of the people.

My resolution, Sir, is rather a long one. I could not curtail it. It reads :—

In view of the arrest of a member of this House and his detention in custody during the present session of the Assembly and the consequent inability of the said Member to attend the sittings of the House to which he was duly summoned, this Assembly is of opinion—

(*a*) that the Committee of Privilege constituted last session be reconstituted with the Speaker as Chairman to function until the Rules and Standing Orders of the House provide otherwise and that the Commitee be instructed—

(1) to report on the present position of the privilege of a member of the Legislature,

(2) to recommend such other privileges or modifications of existing privileges as may be deemed necessary for the due discharge of the functions of a member, and

(3) to draft a Bill embodying the privileges as may be recommended by the Committee; or in the alternative,

(*b*) that the Speaker be authorised to constitute a Committee of Privilege after consultation with the Leaders of various Groups of the House for the purpose and to secure the objects stated in (*a*).

In this Sir, I just mention what I want and what my demand is. I did not know that a Committee of Privilege was elected just for a session. I was under the impression that its life coincided with the life of the Chamber, but I was wrong. That is why I have suggested that the same Committee should function after re-election. In the last session we left you out, Sir, but I am now suggesting to the House that we should have our Speaker as the Chairman of the Committee. The Conference of Speakers held at Delhi has gone into and will go into the many intricate problems that arise in connection with Provincial Legislatures. Madras may find a solution which we may not like here, and United Provinces may differ from Bombay, but as you alone, Sir, will be able to attend that Conference, I think that we shall have sent a good and faithful advocate to fight our cause

If

along with your brother Speakers from the other provinces, when they meet at the Speakers' Conference. In demanding that we be allowed to legislate on the question of our rights, I am asking for nothing extraordinary. We are allowed to do that under section 71, clause (2), of the existing law.

(At this stage the hon'ble member reached the time-limit but was allowed two minutes to finish his speech.)

There may be a difference of opinion as to whether the Speaker should be authorised, as I say, to select members for the Committee. But, Sir, this is the practice of the House of Commons. There the Speaker is allowed to select members of the Committee of Privilege and if the House gives that right to the Speaker here, I shall be only too happy. If the House feels that the Speaker should not be given that right then I suggest that the old Committee, in order to avoid delay, be reconstituted the Committee of Privilege for this session.

On the first day, Sir, the hon'ble member opposite drew your attention to this problem in a most telling sentence. He begged of you, Sir, "to make history". He begged of you, Sir, to see that the executive did not interfere with our rights. I repeat that request, Sir, to-day. I repeat that request to you and also to every individual member of this House. Let us put our shoulders to the wheel. Let us all make history; let us put our Speaker in a position so that this House shall remain unassailable by any act of the executive. Let us, Sir, declare openly and publicly in this Chamber that we are determined to give to ourselves the rights and privileges that an elected representative of the country should have and when that call has been made, at least 250 loyal and stout hearts will echo and re-echo it from every nook and corner of Bengal and throughout the length and breadth of the Province. Sir, I feel that the prestige and dignity of this House will be my support when I make this demand, and I am bold enough to hope that the prestige of the existing Government will also be behind it. The success we achieve will be great. Nobody shall then be able to interfere with or assail our rights. Let us make history.

Mr. SPEAKER: The motion which Mr. Abdur Rahman Siddiqi has moved will be placed on the table of members during the prayer interval and in view of the appeal which has been made both by Mr. Siddiqi to-day and by Dr. Nalinaksha Sanyal on a previous day, I propose to give my ruling on certain aspects of the question immediately after the prayer interval.

The House was then adjourned for 15 minutes.

(After adjournment.)

Mr. SPEAKER'S RULING.

Mr. SPEAKER: Before discussion on this motion proceeds I might refer to the matter which was brought to my notice on Wednesday last by the hon'ble member representing the Muslim Chamber of Commerce who drew my attention to a matter of privilege brought before me by the hon'ble member representing Presidency Division, Municipal, General and the House will remember that at that time I decided that the matter does not require any remarks from me on the ground that a motion connected with the incident was tabled. Since then I have had an opportunity to go into the matter once again in view of the privilege motion given notice of for to-day and I must say, I have been considerably relieved to find that it is the intention to place the position of privilege of members of this House on a definite and unequivocal footing. It is not necessary therefore for me to enunciate the privileges of the members of this House as the matter will have to be examined in details if the resolution is carried. But I feel there is one matter which requires a decision on my part even in the present circumstances and even if the resolution is carried.

Every member of the legislature is under a constitutional obligation to attend the service of the House to which he belongs and in the House of Commons at one time the personal service of every member was required with consequent penalty for non-attendance. Although the penalty is no longer applicable, the Legislative declaration of the duty of a member remains on the Statute Book and in the House of Commons there have been numerous occasions for summoning absent members to attend the service of the House. On ordinary occasions, however, the attendance of members in the service of Parliament has not been enforced by the House, but when any special business was about to be undertaken steps have been taken to secure their presence. This attendance upon service of Parliament includes an obligation to fulfil duties imposed upon Members by orders and regulations of the House, and in the House of Commons unless leave of absence has been obtained, a member is not to be excused from such attendance. It is also to facilitate the attendance of members without interruption that at the commencement of each session both the Houses of Parliament give directions that the Commissioner of the metropolis shall keep during sessions the streets leading to the Houses of Parliament free and open with no obstruction to hinder passages thereto.

There is no specific provision for attendance in the Government of India Act or in the rules and regulations and standing orders of the House on the lines indicated above. But under the Government of India Act if for 60 days a Member of a Chamber is absent without

permission from meetings thereof, the Chamber may declare his seat vacant. This legal right of the Chamber has its constitutional implications, namely, that it is the inherent right of a Chamber to have the information if a member is absent and it also follows that if any member is unable to attend the meetings of this House for any reason outside his own free will, the House can always claim the right to get the informations as to the reasons of such compelled absence.

It follows therefore that when a member is arrested on criminal charges, the House must be informed immediately, the cause for which he is detained from service of the legislature. This is in consonance with the Parliamentary practice and the Legislative provisions in England. In an instance occurring in the Province of the Punjab the Hon'ble Mr. H. A. Casson, C.S.I., President of the Punjab Legislative Council, claimed this information not as a matter of right but as a matter of courtesy. That was under the old Government of India Act which did not provide for any right of the Chamber to declare a seat vacant due to absence. That right under the old Act was vested in the Governor and as such it could not be claimed as of right on behalf of the House. Now that right of declaring a seat vacant has devolved upon the Chambers of Legislature, I hold that it is the constitutional right of this House to immediately know if a member is unable to attend for any circumstances beyond his control. It is not in any way to question the validity of any such act nor to enter into the fact of such arrest, but to enable the House to carry out its obligations as legislature that it is entitled to have the information if and when a member is arrested or detained. I hold therefore that whenever a member of this House is detained or arrested which may enforce his absence from the House, the fact should be immediately communicated to the Speaker. In enunciating this principle I am not in any way taking upon myself on behalf of this House that this is in any way intended to deter the course of administration, executive or judicial to function in the legitimate discharge of the duties which is vested in them by Law. They may and indeed must continue to act in any manner they choose, but if a member is arrested or detained it is the inherent right of the House in view of the present provisions of the Government of India Act to know the fact that he has been so arrested or detained. It will of course, be for the Committee of Privilege to consider as to the substantive rights of a member in matters of privileges. All I am now concerned with is only on the point of information as to the arrest or detention of any member of the House on criminal or any other process, whenever such arrest or detention of a member hampers him in the discharge of his duties to this House or in the discharge of his duties imposed upon him by standing orders or rules of this House.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to second the motion moved so ably by my esteemed friend of the Muslim Chamber

of Commerce. It is no small pleasure for me, Sir, to find a stalwart of the Coalition group sponsoring and in fact initiating a momentous motion of this character. It really leaves me hardly any room to improve upon his brilliant appeal to head and heart. I would just formally second the motion, and point out to the House that the Government of India Act gives us ample powers and ample opportunities to create history as my esteemed friend has appealed to the House for. Section 71 of the Government of India Act only lays down the minimum privilege of freedom of speech in this House and freedom of publication of that speech, but it at the same time provides for any other privilege that this legislature might think necessary to secure through legislation of this House itself. In fact such a privilege can go very much beyond what is at present enjoyed by any Parliament of the world. If that is felt necessary, I am sure the House will not hesitate to ensure such freedom in the cause of better debate, in the cause of freedom of action, freedom of speech and freedom in every direction.

I would just like to touch on one aspect of the law which my esteemed friend has, I am afraid, not brought to light. That is this. I have some doubts whether it is permissible for the Government or the executive of the Government to stop any member from attending this meeting which is summoned by virtue of the powers vested by the Government of India Act of 1935. The Chamber is summoned by His Excellency the Governor under Section 62 of the Government of India Act. If a member is at the same time prevented from attending by an agent of that very Governor acting not under the authority of the Government of India Act, but on the authority of any other legislation which is derived from an inferior Parliament, I mean from an inferior legislature, I am not sure if this Act could be legal at all. However, that is a matter that will be looked into at a later stage. Further, although I am not quite sure of any provision, so far as present legislative provisions in the Act go, I am quite confident of one thing, and in that the Hon'ble the Speaker himself has given his ruling, that in every case of arrest or detention outside this House there must be reporting of the incidents leading to the arrest or circumstances of detention to the House immediately the House meets. That is the practice in the British House of Commons.

The incidents leading to the arrest or the circumstances of detention of a member is required to be reported to the House immediately the House meets. That is the provision in the British House of Commons and in almost all progressive Parliaments. I would just leave matters at that. I believe there will be complete unanimity so far as this resolution is concerned, because the resolution does not touch the question of details and leaves all these details to be worked out by the Committee of Privileges which we had ourselves appointed some time ago. I want also to submit, Sir, that while a question or a motion for

privilege, is given precedence over all other motions, Parliamentary practice in regard to such motions is that without considerable discussion and debate these motions are put to vote. To-day happens to be a day for the non-official Bills. We have already had one day for non-official Bills lost. The momentous character of this motion required us to postpone discussion of the Bills but let us not unnecessarily drag discussions and let us give some opportunity to the non-official Bills to survive. With this appeal I second the motion moved by my esteemed friend and I submit to the Hon'ble Speaker that he would take the sense of the House whether a motion like this should be straightaway put to vote or he would allow much discussion thereon.

Mr. SPEAKER: What I propose to do is that immediately after the Leaders of the different groups have spoken—if they are at all willing to speak—I would consider the matter. In the meantime we shall go on with the motion.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, may I submit, Sir, that when a question of privilege is under discussion in the house, it is usual to move it and formally get it seconded and then it is put to vote without discussion, because it is a matter of privilege. I hope that procedure will be followed particularly because to-day is a private members' bill day.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would like to draw your attention to the fact that here the motion is not raising the question of privileges at all. It is merely a question of individual privilege, but the idea is that a committee be formed to frame privileges and I think, in this connexion, discussion is necessary so that the members may not be misled into considering what are the privileges and what cannot be the privileges of this House.

Mr. JATINDRA NATH BASU: Sir, I support the resolution now before this House. The arguments in support of the resolution have been very exhaustively put before the House by the proposer and I do not think it is necessary to say much in respect of it. All that I desire to urge is that the House is the custodian of the interests of the people. It should see that the representatives of the people are not prevented from exercising their functions as such representatives by any executive Act. The question as to what are the privileges that should be safeguarded is one that this resolution desires to investigate. I think they should be carefully investigated, and after investigation, when the privileges are laid down, the House should see that those privileges are not interferred with. With these words I support the resolution.

Mr. M. SHAMSUDDIN AHMED: I will only formally support the resolution moved by Mr. Abdur Rahman Siddiqi. I do not want to speak on this as it concerns the privileges of the members of this House and no one disagrees on the text of the resolution that is placed before the House. I would only reiterate what my friend Dr. Sanyal has said. To-day being a non-official members' day, I hope, Sir, without discussion, this unanimous resolution, may be passed. As the Hon'ble the Home Minister has said that it requires discussion, I do not understand what he means by this; either he means to oppose it or he means to support it. I do not think, Sir, it affects the Home Minister at all in this. Therefore, I hope the House will accept this resolution without further discussion.

Mr. JOGESH CHANDRA GUPTA: At this stage I want to know if the Home Minister is going to oppose. I do not think. There are other members on this side of the House who may speak for this resolution—it being a resolution of privileges.

Maulvi TAMIZUDDIN KHAN: Mr. Speaker, Sir, I only rise to give my wholehearted support to the resolution that has been so ably moved by my esteemed friend Mr. Abdur Rahman Siddiqi. He deserves the congratulation of the whole House on the move that he has taken. He has exhaustively given all the arguments in favour of a resolution like this, and I do not like to waste the time of the House by repeating the arguments which have already been put forward. I would only like to point out one thing. The resolution has two parts. First of all the resolution seeks to constitute a committee of privileges and secondly or in the alternative, that the Speaker be authorised to constitute a committee. Therefore, Sir, if this resolution is accepted in the form in which it has been drafted, I do not know who will actually give effect to the resolution. Whether the Committee of Privileges will be formed by this House or the Speaker will constitute it. I therefore think, Sir, that it is time that we should concentrate our attention on one part of the resolution. For myself, I think, it is a fit case in which the Speaker whom we consider to be the custodian of the privileges of the House, may be authorised to constitute a Committee of Privileges with the object as stated in the Resolution. With this suggestion, Sir, I give my wholehearted support.

Mr. SPEAKER: I have looked into the matter myself and I propose to put it before the House in separate parts, one after another, and get the opinion of the members.

Mr. ABDUL WAHAB KHAN: Mr. Speaker, Sir, I rise to lend my support to the motion for consideration of the privileges of the members of this House moved by my esteemed friend, philosopher and

guide, coming from the Muslim Chamber of Commerce. I also consider that this is a question of vital importance for every member of this House. For, without a definition of our rights and privileges and without proper safeguard for the free expression of our opinion, our work as members of this House is bound to suffer. We are, Sir, here in our capacity as politicians, as men who are entrusted with the promulgation of legislation for the proper welfare of the country. The first and foremost prerequisite is the right of perfect freedom of speech and freedom of expression of opinion; however diverse they may be, or however repugnant to certain specific interests they may be. We cannot decide on the best course of action, till we have entertained, discussed and debated upon every possible alternative, for out of such discussions alone, can the Truth emerge. Our first demand therefore, Mr. Speaker, is that our right to express any opinion we like to support or to criticise the Government or other public institutions shall be inviolate. As representatives of the people, we derive our strength and authority from public support, and therefore it is our right that whatever we may do in the public interest, shall be correctly and accurately reported and represented by the Press as well as on the platform. Here, I have to point out with regret, that unfortunately many of the papers in our country do not observe the high standards, which one may expect from honest journalism. I do not want to make any invidious distinction, but I can say without any fear of contradiction that there are papers which abuse their great position of trust and responsibility and embitter the relations between the communities instead of improving them.

Our third demand, Mr. Speaker, Sir, is immunity from persecution or prosecution for any *bona fide* statement made or opinion expressed on the floor of this House. No one, Mr. Speaker, Sir, has a monopoly of truth, and we know that the legislators are as liable to err as any other human being. Nevertheless, it is our duty to do whatever we consider best under any circumstances, and our demand is whether such action be right or wrong, there shall be no attempt to intimidate us or place any restrictions upon our complete freedom (Cries of "Hear, hear" from Congress Benches), to act according to our best lights. This, Sir, is a right which I would not have mentioned, but for the fact that in our country there is unfortunately a tendency to regard differences of opinion as signs of enmity, and attempts are often made to colour or prejudice our opinions by considerations that are not strictly relevant.

Our next demand, Mr. Speaker, Sir, is that as legislators we are entitled to know what is happening in the country. It is, therefore, our right to receive such information as may be in the possession of Government with regard to matters of public importance. I go further and say that not only have we a right to receive such information

but we have the further right of knowing the broad policy and programme which Government may have under contemplation. It is, therefore, our demand, Sir, that formulation of policy shall first be expressed on the floor of this House, and I submit, Sir, that it is we who keep Government in power and as such we have a right to know what Government propose to do on any particular matter. For the lack of this knowledge, we are often placed in a false position.

In this connection, I should like to make it clear that though we are supporting Government, we are expecting in return from them a proper appreciation of our difficulties. I do not propose to embarrass Government by citing instances at this stage. We members do not want to know what particular steps Government take, or what particular executive orders Government pass. What we want to know is, the policy or programme which Government want to work out, and we insist on our right to know this, before the publication of the policy for the information of the general public.

As to privilege outside the House, I think a member ought to be granted immunity from arrest when he is travelling on duty in connection with the work of the Assembly or any public duty, or when he is actually attending a session of the Legislative Assembly. There ought to be provision for that. In short, members should be granted complete immunity from arrest unless involved in a criminal offence, and I feel that members should not be arrested on mere suspicion. The Police have got wide powers to arrest a man on suspicion, but a member of the legislature should not be lightly arrested on mere suspicion.

My next demand is that in districts or subdivisions members of the legislature should have precedence over all Government servant, because it is they who represent the public. In general policy of local administration, particularly in matters of rural welfare, members should have a say. I do not want that District Officers should consult the members in details of administration, but if their counsel or advice or co-operation is kindly sought for in matters of public welfare, members of this House, I feel sure, will readily co-operate with the local officers, and that will be more conducive to the good of the people. The old order of things has to give place to the new (Cries of "Hear, hear" from Congress benches). That will make Government more popular. You know, Sir, that if the people know through their representatives that their grievances have been heard by the local officers, that is something to appease their minds. Under the system that was, of late, prevailing, the people felt that their grievances did not reach the high officials such as the District Magistrates or even the Subdivisional Officers. That system has to go. If the people as well as the local officials know and feel that even an act of mild oppression would go up to the head of the executive of the district, then many of the oppressions by the officials would be a thing of the past. This link between the officials and the

people—I mean the honourable members of this House—can be a harmonizing link, and their services can be readily and ungrudgingly utilized by the local officials. Let not the local officials and the members misunderstand each other and let the members be taken into confidence, and I hope there will not be any instance of misplaced confidence. There are of course exceptions to every rule, but let it be a general policy that the non-official members of the Legislature would co-operate with the officials in matters of general principle——

(Here the member having reached the time-limit resumed his seat.)

(**Voices:** The question be now put.)

Mr. SPEAKER: I will call upon Sir Nazimuddin to reply and immediately after that, I will put the motion for closure.

The Hon'ble Khwaja Sir NAZIMUDDIN: Government welcome the resolution and congratulate the mover for bringing this question up. So far as I am aware, this right, which has been conceded in the Act, has not been taken advantage of in any other province. The privileges of the members of this House under the Act, at the present time, is strictly limited to Section 71 which runs as follows:—

"Subject to the provisions of this Act and to rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature and no member of the Legislature shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Legislature or any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings".

Now the next sub-section (2) says:—

"In other respects the privileges of members of a Chamber of a Provincial Legislature shall be such as may from time to time be defined by Act of the Provincial Legislature, and, until so defined, shall be such as were immediately before the commencement of this Part of this Act enjoyed by members of the Legislative Council of the Province".

There is another important sub-section to which I would like to draw the special attention of this House in view of the speech of the honourable mover in which while recognising the power in the Act, he suggested that steps be taken. It is obvious that in view of sub-section (3) of Section 71, there is no possibility of going ahead with that. Sub-section (3) runs thus:—

"Nothing in any existing Indian law, and, notwithstanding anything in the foregoing provisions of this section, nothing in this Act,

shall be construed as conferring, or empowering any Legislature to confer, on a Chamber thereof or on both Chambers sitting together or any Committee or officer of the Legislature, the status of a Court or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner."

Section 4 says:—

"Provision may be made by an Act of the Provincial Legislature for the punishment, on conviction before a Court, of persons who refuse to give evidence or produce documents before a Committee of a Chamber when duly required by the Chairman of a Committee so to do:

Provided that any such Act shall have effect subject to such rules for regulating the attendance before such Committees of persons who are, or have been in the service of the Crown in India....."

Now, Sir, it is obvious that if the Committee which is going to be appointed recommend what privileges the members can enjoy, and when that is done, a Bill has to be introduced in this Assembly and passed in a regular manner and then and then only the members will be entitled to those privileges. In this connection, I would like to draw the attention of the members of this House to this fact, so that they may not have any misconception as to what their privileges are. From the speech of the honourable mover an impression may be created that immunity from arrest during the session of the Legislative Assembly or Council is one of the privileges enjoyed by the members of this House or of the Council. I am afraid it is not a correct interpretation of the privileges enjoyed by the members of the British Parliament. As far as I am aware, it is obvious that in the House of Commons and in the House of Lords at the present time the members do not enjoy any immunity from arrest for any crime.

Dr. NALINAKSHA SANYAL: For any indictable crime.

The Hon'ble Khwaja Sir NAZIMUDDIN: They are only immune from arrest in case of a civil suit, but that has also been whittled down lately (DR. NALINAKSHA SANYAL: Question). May I, Sir, with your permission read out some of the important provisions which I have been able to collect from May's Book of Parliamentary Practices which will give a correct idea of what privileges the members of a legislature should enjoy. There are roughly 80 consecutive pages of May as well as many references scattered throughout the volume dealing with the subject. I will therefore give a very brief statement of general principles on the question of immunity from arrest:

"Some privileges rest solely upon the law and custom of Parliament, while others have been defined by statute. Upon these grounds alone all privileges whatever are founded" (May 13th edition, page 70), but

although "the privileges of the Commons are independent of the Crown" it has since the time of Henry VIII been the custom for the Speaker to petition the Crown as follows at the commencement of every Parliament.

"In the name, and on behalf of the Commons, to lay claim by humble petition to their ancient and undoubted rights and privileges; particularly that their persons may be free from arrests and all molestations; that they may enjoy liberty of speech in all their debates; may have access to His Majesty's royal person whenever occasion shall require; and that all their proceedings may receive from His Majesty the most favourable construction".

This states the more important privileges, but even these are subject to restrictions, e.g., the right of access "is not enjoyed by individual members of the House of Commons, but by the House at large, with their Speaker". (Page 71.)

It is interesting—though premature in the case of Bengal—to note that in 1704 the two Houses agreed upon the following resolution—

"That neither House of Parliament have power, by any vote or declaration, to create to themselves new privileges, not warranted by the known laws and customs of Parliament" (page 73).

The privilege of immunity from legal proceedings (apart from the freedom of speech) was originally very wide, but it has been whittled down by statute very considerably, and now-a-days "Members of Parliament" may be coerced by every legal process, except the attachment of their bodies (page 119) and since 1914 "persons having privilege of Parliament are subject to the processes of the Court" in insolvency proceedings.

But "the privilege of freedom from arrest has always been limited to civil causes, and has not been allowed to interfere with the administration of criminal justice" or again "as the privilege of freedom from arrest is limited to civil causes, and cannot be pleaded to arrests made on a criminal charge, or to enforce the administration of justice, the circumstances attending arrests or imprisonments for these causes cannot be brought before the House as a matter of privilege" (page 266). It further says—not only immunity is not allowed but a reference cannot be made and the question of privilege cannot be raised in the House regarding the arrest or why it was made and how it was made: these questions cannot be raised as question of privileges.

Dr. NALINAKSHA SANYAL: It goes against the Speaker's ruling.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the honourable member has interrupted and quoted the ruling of the Speaker. What I have stated here does not in any way go against the ruling of the

Speaker. All that the Speaker's ruling means is that if a member has been detained for any reason whatsoever especially by a Court of Justice, then it is the duty of the Court to inform the Speaker of the House that the member has been detained.

Rai HARENDRA NATH CHAUDHURY: The Speaker did not say that the Court ought to inform.

The Hon'ble Khwaja Sir NAZIMUDDIN: The Speaker said that the information should be sent.

Dr. NALINAKSHA SANYAL: From May's book we find that in all cases in which the members are arrested for criminal offence, the House must be informed of the offence for which they are detained that means that the charge must be communicated. (Chapter V, page 122 of May's Book, thirteenth edition.)

The Hon'ble Khwaja Sir NAZIMUDDIN: On the other hand it is expressly provided here. ....

Mr. JOGESH CHANDRA GUPTA: Cannot these matters be considered by the Committee?

Mr. SPEAKER: I think once the motion is before the House, it is open to any member including yourself to give directions to the Committee in the form of an opinion of the House.

Mr. JOGESH CHANDRA GUPTA: But there is no such proposal here to add any rider or to give any directions. That being so, the hon'ble member's knowledge about the procedure and everything contained in those notes can be placed at the disposal of the Committee and they may be fully utilised there.

Rai HARENDRA NATH CHAUDHURY: Sir, I would refer you to page 471 of May's Book. The motion asked for the appointment of a Committee of Privileges and the Committee has got to be appointed.

The Hon'ble Mr. A. K. FAZLUL HUQ: We will do it.

The Hon'ble Khwaja Sir NAZIMUDDIN: The point now is that the hon'ble member has based his demand for the appointment of a Privilege Committee on the ground of the arrest of a member of this House and what is more, I am——

Mr. SPEAKER: I have just now been able to find that there is a misapprehension in the minds of certain sections of the House that once a matter of privilege is before the House it has to be put without further debate. I will not try to say definitely as to how matters stand in view of the fact that the British Parliament has got certain amount of traditions in a matter dealing with privileges and it is only by common agreement that the matter is quickly disposed of. But it is not altogether a fact that this matter is always immediately disposed of. I had one particular case hunted up during the last few minutes in which Mr. Churchill raised the question of privileges in the matter of certain disclosures in connection with Indian constitutional reforms. That matter was debated by various members including Mr. Churchill, Sir Samuel Hoare, Major C. R. Atlee, Sir Herbert Samuel, and the Prime Minister. We have of course not exactly the same procedure and that being so, we have to enunciate our procedure by making a reference to the Committee. I have to explain the position that this motion once it is in seizin of the House it is not within my competence to stop discussion at this stage. I do not wish this to be a precedent, for the future, because I consider it is a matter which will probably be taken up by the Committee.

Mr. JOGESH CHANDRA GUPTA: May I only mention this? The instance that has just been mentioned by you was a discussion on a certain matter of privilege, but here the substantive motion is for the appointment of a Committee of Privileges and according to the English Parliamentary practice a Committee has got to be appointed no sooner a motion is put before the House. That makes a distinction.

Rai HARENDRA NATH CHAUDHURI: There is the word "forthwith" at page 471.

Mr. SPEAKER: That does not prevent a debate.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am sure that the House will realise the importance of what I am going to say; the question of the appointment of a Committee if it were alone without a speech from the hon'ble mover of this motion, I believe, there would have been no difficulty in accepting it. But the hon'ble the mover of the motion has made certain statements, certain assertions, which, I think, it is in the interest of the House as well as of the general public at large to make clear that they were made under a misapprehension. I would specially refer to the innuendo, if I may say so that it is possible for executive officers to detain members of Parliament against the law and even against the wishes of the Cabinet. He went on further to suggest that the executive officers especially the members of the Services practically dictate to the Cabinet. I am very sorry that he made this suggestion but it must be due to certain amount of inferiority

complex that my friend over there has got this idea into his head. I would like to state here that the services have fully co-operated and always carried out the orders of the members of the Cabinet and there is no question whatsoever of the members of the Cabinet in any way being hindered in any of their activities by the members of the Service. The question of detention of any member is always likely to be a judicial action; it cannot be executive action and even on the question of bail no executive officer can keep a man in custody without bail. There is always the right of appeal to the Judge. The judiciary is there to see that no person is illegally detained. Therefore I would like to remove that impression. Because if this motion had come in by itself, I am inclined to agree that a long speech or any explanation would have been unnecessary. But in view of the fact that this motion has been coupled with an incident that took place some time ago, it may give the impression to the public that something has been done which should not have been done and that there has been a breach of the privilege of the members of this House. I would like to show here that even the members of the Parliament are not immune from arrest for criminal offences. They never have been immune from arrest for criminal offences. It might have been long ago that they had been immune from arrest for such offences as criminal, but at the present time it is clear that the members of the Parliament are not immune from arrest for criminal offence and what is more, the question of their arrest and detention cannot be raised in the House as a matter of privilege.

Therefore so far as the Select Committee is concerned, I say first that it is certainly desirable, but it should not in any way be connected with the incident that took place with reference to a member of this House; and secondly, the members of this House must realise that when they are going to enact what is going to be the privilege of this House, it is also going to impose certain duties upon them, such as that the breach of privilege will entail the summary removal from the House and suspension from the House. For example, according to the tradition in Parliament, members of the House cannot stand surety or bail, because they were immune from civil arrest and if they stood surety or bail, for any man, supposing he fails to turn up they would be liable to be arrested, so one of the conventions and breach of privilege is that no member of Parliament can stand as a surety. Secondly, there have been cases where members have been removed from Parliament or suspended for accepting bribe. There was one gentleman who was removed from Parliament because he took £500 from some French merchants in connection with the House of Commons affairs. And there was another case where Lord Cochrane was indicted and convicted for conspiracy. He escaped from imprisonment, returned to the House of Commons and sat next to the Speaker's Chair, but he was arrested by the Marshal of the House. It will therefore, be seen

that there is no immunity from arrest even in the House of Commons itself, and he had to go. (Dr. NALINAKSHA SANYAL: Is there any other instance?) May I read on—"as the privilege of freedom from arrest is limited to civil causes and cannot be pleaded to arrests made on a criminal charge or to enforce the administration of justice, the circumstances attending arrest or imprisonment for these causes cannot be brought before the House as a matter of privilege." (Dr. NALINAKSHA SANYAL: We have all read that.) I was contradicted on this point and that is why I am reading it. "A letter addressed by a member to the Speaker regarding his arrest cannot be treated as a matter of privilege, nor the failure of a Judge or committing magistrate to notify a member's arrest." Therefore it will be seen that if a member who is under arrest writes a letter to the Speaker of the House drawing his attention to that that cannot be raised in the House and treated as a privilege. Therefore it follows that no other member can raise that question in the House as a matter of privilege. "Similarly it is declared to be a breach of privilege"—and I would like just to warn the members —and some of them have let themselves in for it by accepting this Committee of Privileges—it is declared to be a breach of privilege for a member or any other person to publish the evidence taken before a Select Committee until it has been reported to the House; and the proprietor of a newspaper has been committed by the House of Commons for the publication of a Committee's Draft Report. (Dr. NALINAKSHA SANYAL: This is all irrelevant, Sir.)

Mr. JOGESH CHANDRA GUPTA: Sir, at least one thing has followed clearly from the lengthy speech of the Hon'ble the Home Minister that the privilege of a private member to move his Bills to-day has been lost! If the Hon'ble Member will kindly consider that point and keep his learned discussion for the Committee stage a very valuable privilege of the House will not be lost to-day.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the hon'ble member is perhaps not aware of the fact that if to-day private member's Bills cannot be taken up, Government can always find another day to allot to private member's Bills, and it is absurd to suggest that this is being done to shut out discussion on he private member's Bills. If private member's Bills cannot be taken up to-day Government shall allot another day—not only the 1st of March, but another day also, so that they shall not be at a disadvantage for not being able to bring forward their motions to-day.

Mr. JOGESH CHANDRA GUPTA: We thought that Government was in a difficulty to-day.

The Hon'ble Khwaja Sir NAZIMUDDIN: Now my hon'ble friend changes his ground because he has been caught. Now, Sir, let me

read what causes loss of privilege to the member: "On the 11th February 1774 the Speaker informed the House of a letter in the Public Advertiser newspaper addressed to him reflecting on his character and conduct as a Speaker. The House ordered the printer of that newspaper to attend and resolved that the letter was a false malicious and scandalous libel, highly reflecting on the character of the Speaker, to the dishonour of this House, and in violation of the privileges thereof." Similarly, libels against one member of the House by another member in connection with the business of the House is a breach of privilege and entails the penalty of removal. Here is, Sir, another very interesting case in which I am sure, hon'ble members will be interested. (Interruptions.) "On the 27th July 1891 a member complained of certain entries in the Votes and Proceedings which stated that he had frivolously claimed divisions. The Speaker thereupon informed the House of two communications which he had received from the member in question impugning his conduct in the Chair and the House ordered the suspension of the member for one week."

Mr. SANTOSH KUMAR BASU: Is it not a breach of privilege to frivolously prolong one's speech? (Cries of "certainly not, certainly not" from the Ministerial Benches.)

The Hon'ble Khwaja Sir NAZIMUDDIN: I will now quote another extract, regarding the acceptance of bribery by a member. (Cries of "We have had enough, we have had enough of it" from Congress Benches.)

Mr. M. A. H. ISPAHANI: We insist on hearing the Hon'ble Minister, Sir. We claim the privilege of doing so.

The Hon'ble Khwaja Sir NAZIMUDDIN: Here is another case. Sir, which I have been able just to find out. Bribe-taking by a member has ever, by the law of Parliament, been regarded as a grave offence which has been visited by the severest punishment. (Mr. JOGESH CHANDRA GUPTA: Is that so?) "In 1667 Mr. John Ashburnham was expelled for receiving £500 from the French Merchants for business done in the House". This is still more interesting. I would like not only the hon'ble members to listen to this but I would like you also, Sir, to listen to it. "In 1694 Sir John Trevor was declared guilty of high crime and misdemeanor in having, while Speaker of the House, received a gratuity of 1,000 guineas from the City of London after the passing of the Orphans' Bill and was expelled. In 1695, Mr. Guy for taking a bribe of 200 guineas was committed to the Tower and Mr. Hungerford was expelled for receiving 20 guineas for his service as Chairman of the Committee on the Orphans' Bill." (Dr. NALINAKSHA SANYAL: Did these gentlemen do these things for themselves or for their party?) Then,

Sir, to go on. "By a resolution",—this is very interesting and important and I would like the members to listen to this— "by a Resolution, dated the 6th November 1666—members are prohibited from acting as Counsel on either side in Bills depending in the House of Lords before such Bill shall come down thence to the House of Commons. In the case, however, of the Bill then pending against Her Majesty Queen Caroline, Mr. Brougham and Mr. Denman, the Queen's Attorney and Solicitor General and the King's Attorney and Solicitor General and Dr. Lushington were permitted to plead as Counsel at the Bar of the House of Lords, but such leave was not to be drawn into a precedent. It was also understood that if the Bill should be received by the Commons none of these gentlemen would be permitted to vote upon it."

Dr. NALINAKSHA SANYAL: Has the Hon'ble Minister finished now?

Mr. SPEAKER: No.

Dr. NALINAKSHA SANYAL: May I know, Sir, when he will reach the time-limit? He has spoken long enough already.

Mr. SPEAKER: He will finish in about 2 or 3 minutes.

The Hon'ble Khwaja Sir NAZIMUDDIN: Another and a most serious breach of privilege and which entails upon the members the severest punishment is to insinuate against the impartiality of the Chair. "As a consequence of the immunity of a member of Parliament it has been held that he cannot be admitted as bail for not being liable to attachment, by reason of his privilege he cannot be effectually proceeded against in the event of the recognizances being forfeited."

Dr. NALINAKSHA SANYAL: It is only a repetition of his own argument. The whole book may be taken as read, Sir.

The Hon'ble Khwaja Sir, NAZIMUDDIN: Now the position is that Government welcome the Committee and would like to see such privileges for members enacted and settled which is consistent with the privileges enjoyed by the House of Commons and the House of Lords.

Khan Bahadur MOHAMMED ALI: I put that the question be now put.

The Hon'ble Mr. A. K. FAZLUL HUQ: Before the closure motion is put, I want to say something——

Mr. SPEAKER: My difficulty is that once the closure motion has been moved, it must be put to the decision of the House. If the House carries the motion then of course I am helpless; if not, I will give you an opportunity to speak.

The closure motion was then put and lost.

Mr. SPEAKER: I think the debate has been carried to a sufficient length but in view of the fact that the House desires still to hear one or two more members, I should like to give an opportunity to the European group to make a short speech and then the Chief Minister would speak as shortly as possible. And after that I propose to bring the debate to a close.

Mr. C. MILLAR: I have to-day been to a pleasant ceremony and I have no malice in me and no indignation, not even righteous indignation. We must all admit that we have lost a very great privilege, in the colloquial sense of the word, in the loss for a few days of the oratory of Mr. Niharendu Dutta Mazumdar, but there are two senses of this word privilege, and it is of the very greatest importance that this House, when deciding what its privileges are to be, should have the greatest regard for constitutional propriety. The Hon'ble Minister has referred to a case in the House of Commons in, I think he said, 1874 (a voice: 1774). You can go back to 1429 and you find it declared in the very earliest days of Parliament that no privilege extends in any question of the administration of the criminal law of the land. In that particular case it was brought down definitely to exclude matters tending to a breach of the public peace.

Dr. NALINAKSHA SANYAL: May I rise on a point of order? Is the honourable member entitled to make any reference to Mr. Dutta Mazumdar's case, as to whether it has any connection with the breach of public peace or not, because we have not referred to——

Mr. SPEAKER: He has not referred to any breach of the public peace.

Mr. C. MILLAR: I submit, Sir, that my only reference to Mr. Majumdar was regret that we have lost his oratory. I was speaking about privilege. I am extremely anxious, and we in this group will always be most jealous for the privileges of this House, but let them not be based on misunderstanding. The word privilege has a colloquial sense, it also has a technical sense in that it means something in the nature of a law of the land confined to a certain specified person or body of persons by reason of some qualification they possess. In our case our qualification is that we are all members of this Assembly, and as such we possess certain hitherto undefined privileges. But I

am inclined to think that some of my honourable and learned friends are falling into an error which I have noticed in another place. Only this afternoon in the Bengal Legislative Council—if, Sir, I am permitted to refer to it?

Mr. SPEAKER. I do not think you are permitted to refer to the proceedings in the Bengal Legislative Council but you can refer to the proceedings as occurring in another place.

Mr. C. MILLAR: Then, Sir, in another place, it was raised as a question of privilege whether there should be, for another place, a library and a librarian. My own opinion was that that was a question for a library committee, not a question of privilege at all, and we must distinguish very carefully the colloquial sense of the word privilege from its very strict parliamentary usage. Sir, I believe we all accept the proposal that a committee should investigate this problem, and we are now faced with the problem of considering what our proposals should be, and I would beg this House to instruct this committee that it should lay down these privileges upon very carefully considered lines. We have, Sir, under the Government of India Act power, by Act of the Provincial Legislature, to settle our privileges, and I would ask whether we would not want to follow the direction and experience of the past, and lay down, as my honourable and learned friends will find, that the privilege of freedom from arrest has always been limited to civil causes and lay down, as my honourable and learned friends will find, that "the privilege of freedom from arrest has always been limited to civil causes and has not been allowed to interfere with the administration of criminal justice". That, Sir, is a reference to the thirteenth edition of Erskine May, page 120, and we should reflect that we in this House are the people who should give an example in obedience to the civil authorities whom we control. They are our civil authorities; they are under our control as an elected legislature. It is for us to back them up in their action and not to laud and ascribe credit to any person who comes, being a member of this House, in conflict with his own civil authorities——

Dr. NALINAKSHA SANYAL: They are not our own, but they are under the control of His Excellency the Governor in his discretion.

Mr. C. MILLAR: No, Sir, these authorities are under the control of the Honourable the Home Minister, who depends upon us for his votes and for his position as a Minister. It is up to us, it is up to every member of this House to give an example in support of the civil authority in this country and to prevent as far as we can, any traditions which would undermine that authority.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I will not detain the House very long, but I wish to make one or two points absolutely clear. It has been suggested by some of my friends that these speeches are unnecesary, and that all these points would have been more profitably discussed in the suggested Committee. To that my answer is that all of us cannot be expected to be included in the Committee and discussions are bound to take place some time or other, and it is best that the discussions should precede rather than follow the deliberations of the Committee. My reasons are that whenever any matter is referred to a Committee, instructions are generally given to the Members of the Committee to act in a particular way. Sir, if the motion is accepted in the form in which it has been moved, the Committee would not find sufficient light even from the very illuminating speech of the mover himself as to the lines on which they are to proceed. It is therefore necessary that these discussions should take place in order that the Committee may know what are the particular points to which they should confine their deliberations, and the important lines on which their recommendations should proceed and come up to this House.

Now, Sir, we have got to remember as regards privileges that there are the privileges of members both inside the House and outside the House. As regards the privileges outside the House, a good deal has been said and I need not go over the same ground again. But as regards the privileges of members inside this House I would ask my colleagues in this House to remember that these privileges are no less important than the privileges of members outside the House. Sir, I put in the forefront that it is the privilege of every member to claim that his bonafides should not be questioned either when he is speaking or taking a particular line of action with reference to his duties in this House. Some doubts have been expressed that the Government are bent upon a sort of dilatory tactis in order to rule out private members' Bill by setting up speaker after speaker to block the private members' Bills. I submit, Sir, Government have had no intention of that kind. Two days have been allotted to non-official Bills, and Sir Nazimuddin has made it clear that if for some reason one of these days is lost to the House, it can be made up by another day being given to the members for the purpose of the private members' Bill. In these circumstances, Sir, it is extremely unfair to the Government to suggest that they have resorted to some subterfuge in order to block out private members' Bills or to encroach upon the privileges of the members to bring forward Bills for the consideration of the House.

Now, Sir, the other privilege which I claim, and which every member of this House has a right to claim, is the right of free speech, and whatever Committee may be appointed I would respectfully

request the members of that Committee to consider and report what steps should be taken to prevent unnecessary and provoking interruptions from members when some member is speaking. I have got the right to speak Sir, and what right has any member got to put interruptions which not only waste the time, but also insinuate even dishonesty to the members who may be speaking. That privilege, Sir, should be secured to each and every one of us. We should have got the right of freedon of speech. Everyone should have the right to speak, but no one should have the right to interrupt. I claim the right, I claim the privilege to speak. (DR. NALINAKSHA SANYAL: It is already there.) Then why does my friend interrupt?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: On a point of order Sir. You gave some time ago a ruling that when the Leader of the Opposition or the Leader of the Government speaks, all members should keep silent. Is my friend in order in interrupting the leader of the Government while speaking?

Mr. SPEAKER: I still stick to my ruling, but it is merely not a question of a ruling from the Chair; it is a question of convention for this House that whatever might be the nature of the speech the leaders of the groups, at least the Leader of the Opposition and the Leader of the House, are entitled to uninterrupted hearing.

Dr. NALINAKSHA SANYAL: On a point of personal explanation Sir, I have only pointed out to the hon'ble speaker that what he wanted to speak about is already provided in the rules. I certainly did not mean the slightest disrespect to him nor did I want to interrupt him in any way.

The Hon'ble Mr. A. K. FAZLUL HUQ: Now, Sir, I do not think I should take up the time of the House any further. Sir Nazimuddin has said that if the private members' Bills are not taken up to-day, Government might allot another day; but if the private members' Bills are taken up, then that promise will not stand.

Mr. SPEAKER: I think, as I announced before, this resolution may be divided into two independent resolutions. One part of it is that the Speaker be authorized to constitute a Committee of Privilege after such consultation with the Leaders of various groups of the House, and the other part is that the Committee of Privileges which was constituted last time be reconstituted with the Speaker as Chairman. I take it that so far as one part is concerned, it is the same in both parts, namely: "in view of the arrest of a member of this House and detention in custody during the present session of the Assembly and the consequent inability of the said member to attend the sittings of the

House to which he was duly summoned, this Assembly is of opinion that a Committee of Privilege be constituted to function under the Rules and Standing Orders of the House, and the Committee be instructed to report on the present position of the privilege of a member of the legislature to recommend such other privileges or modifications of the existing privileges as may be deemed necessary for the due discharge of the functions of a Member and to draft a Bill embodying the privileges as may be recommended by the Committee." That is the substantive part of it. I will now put that substantive part before the House.

(The motion was then put and agreed to.)

Mr. SPEAKER: Now comes the question as to whether it should be a Committee appointed by the Speaker, or the Committee which was constituted last time with the Speaker as Chairman. I will ask members, in order to shorten the debate, if they will kindly rise in their seats so that I may get an indication as to the inclination of the House. Then I shall formally put that part of the motion before the House.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, as there are only two alternatives, if you put one alternative to vote, those who will support that alternative will automatically rule out the other. There is no third alternative.

Mr. SPEAKER: I take it that there are two alternatives, one, the Committee of Privilege constituted last session to be reconstituted to function with the Speaker as Chairman, and the other part is that the Speaker be authorised to constitute a Committee. I will put now the second part as is the desire of many members, namely, the question before the House is that the Speaker be authorised to constitute a Committee of Privilege after such consultation with the leaders of the various groups of the House as the Speaker may consider necessary for the purpose.

(The motion was put and agreed to.)

Mr. SPEAKER: I think the other falls through. The substantive resolution which has been carried therefore is this that in view of the arrest of a member of this House and detention in custody during the present session of the Assembly and the consequent inability of the said Member to attend the sittings of the House to which he was duly summoned, this Assembly is of opinion: that the Speaker be authorized to constitute a Committee of Privilege after such consultation with the leaders of the various groups of the House as the Speaker may consider necessary to report on the present position of the privilege of a member

of the Legislature, to recommend such other privileges or modifications of the existing privileges as may be deemed necessary for the due discharge of the functions of a member, and to draft a Bill embodying the privileges as may be recommended by the Committee, and the Committee to function until the Rules and Standing Orders of the House provide otherwise.'

NON-OFFICIAL BILL.

The Bengal Public Demands Recovery (Amendment) Bill, 1937.

Mr. JOGESH CHANDRA GUPTA: Having regard to the statement made by the Hon'ble the Chief Minister that if the private members' Bills are taken up to-day for consideration for about 20 minutes then another day will not be allotted.

Mr. SPEAKER: I may point out that to-day has been taken up almost wholly by a matter which is important for the business of the House and Government propose to allot another day.

The Hon'ble Khwaja Sir NAZIMUDDIN: In view of the fact that we have another day, would it not be better for adjourning the Non-official Bill?

Dr. NALINAKSHA SANYAL: May I suggest that we simply introduce these new Bills because they will not take much time.

Mr. SPEAKER: Under the rules and regulations as now before us, we have to finish the old batch first before we can take up others.

Dr. NALINAKSHA SANYAL: The rule also gives you power to take things out of turn.

Mr. SPEAKER: I am afraid I have no power.

Maulvi ABU HOSAIN SARKAR: Mr. Speaker, Sir, I move that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be referred to a Select Committee consisting of:—

(1) The Hon'ble Minister in charge of the Revenue Department.

(2) Maulvi Sadaruddin Ahmed.

(3) Mr. Pusapajit Barma.

(4) Kumar Shib Shekhareswar Roy,

(5) Dr. H. C. Mukherjee,

(6) Maulvi Abdul Hakim,
(7) Mr. M. Shamsuddin Ahmed,
(8) Maulvi Abul Fazal,
(9) Mr. Shahedali,
(10) Mr. Syed Hassan Ali Chowdhury,
(11) Mr. Rasik Lal Biswas,
(12) Mr. Narendra Narayan Chakravarty,
(13) Mr. Pramatha Nath Banerjee, and
(14) the mover.

with instructions to submit their report by the 31st July 1938 and that the quorum of the Select Committee be fixed at five.

Now, Sir, I have submitted a short notice amendment to include the names of Maulvi Tamizuddin Khan, Maulvi Abdul Bari, Dr. Mofizuddin Ahmed, Mr. Abdul Wahab Khan and Maulvi Abdul Hakim.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir, can a member amend his own motion.

Dr. NALINAKSHA SANYAL: Always. The Hon'ble the Revenue Minister has done so.

Mr. SPEAKER: Order, order. I have previously given permission to add these names but I have found tremendous difficulty in working in admitting short notice amendments. I think the best thing for you would be to move this as it stands, and then it is open to you later on to add any name you like by giving due notice. You are getting another day. You may move the first part now.

Maulvi ABU HOSAIN SARKAR: All right, Sir, I move that first portion as it stands in my original motion. Now, Sir, this unfortunate Bill of mine moved on behalf of the unfortunate tenants of Bengal has got a chequered career. It was moved by me in the last session on the 16th of September and then I also moved for consideration of the Bill but unfortunately Government at that time thought it desirable to send it for circulation on technical grounds. At that time when the discussion was taken up, some of the members of the Government and some of the members of the Coalition Group raised objections and most notable among them was my friend, Maulvi Abdul Bari who suggested that this Bill cannot be taken up in so short a time as was in our disposal at that time. Maulvi Abdul Bari then contended that we want to give relief to the people by hastily passing this Act, but during the last four days

we have not even gone with four clauses. In four days we have not been able to deal with more than four clauses of the Bengal Tenancy Act. To-day is the last day for the consideration of the Non-official Bills. Does he expect that even if he gets another day he will be able to get through his Bill. The Bill will naturally fall through and defeat its own object. Mr. Abdul Bari then continued, "Moreover, the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy only says that public opinion will be elicited by the first of January 1938, that is to say, when we have to wait only for three or four months and nothing more than that. After that, Sir, the Revenue Minister, the Hon'ble Sir Bijoy Prasad Singh Roy put forward another reason. He said, "several hon'ble members of this House have taken objection on the ground that they have not the opportunity of seeing the Bill. That is another additional reason why the Bill should be circulated for eliciting public opinion." He is followed by the Hon'ble the Chief Minister who said, apart from other considerations the mere facts that many hon'ble members in this House have declared in the clearest manner possible, that they have not got a copy of the Bill, that they do not know the provisions of the Bill and therefore it is unfair to ask the House to consider the Bill now. I do not think the mere fact that so many members have not got a copy of the Bill is a sufficient ground for sending the Bill for circulation. The Bill was circulated and the result was a splendid one. About 39 bodies and individuals responded and I think that was the highest response obtained by this Bill and that, Sir, out of those 39 bodies, 5 only gave their opinion against the Bill and 34 of them supported it. The sum total of the net result of that opinion has been very explicitly given by the Secretary of the Bar Association of Patwakhali. "Summary certificate procedure causes untold sufferings to the certificate-debtors and they often cannot get their defence, such as dispossession by landlord or diluvion of a portion of the rent land, duly heard by a Revenue Court and in some cases the tenants are very much harassed by unjust attachment of their movables under the proviso to Section 13 of the Public Demands Recovery Act before they are served with any notice under Section 7 of the said Act."

Now, Sir, one notices that at the time of the discussion of the cut motion moved by Maulvi Tamizuddin Khan the members of this House, and the members of the Cabinet as well, gave their opinion with respect to this particular question of certificate procedure. Maulvi Tamizuddin Khan said:—"My object in moving this cut motion is to enter my emphatic protest against the drastic and indiscriminate manner in which the certificate procedure is being applied in Bengal for the realisation of rents from the agricultural tenants. I think, Sir, the framers of the Public Demands Recovery Act never imagined that the provisions of that law would ever be applied for purposes like this. We all know the manner in which the certificate procedure is being applied for the realization of rents. It is being applied in a most drastic

manner, so much so that the Public Demands Recovery Act and this certificate procedure is regarded by the Bengal tenants as a veritable terror."

With these words, Sir, I move that my Bill be referred to a Select Committee as proposed.

And next, Sir, I beg your permission to move the short-notice amendment of which I have given notice, *i.e.*, I would like to add five more names to the——

Mr. SPEAKER: That I have not permitted for the time being.

Maulvi ABU HOSAIN SARKAR: Then with these words, Sir, I would finish my speech.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill be re-circulated for the purpose of eliciting opinion thereon by the 8th, February 1939.

Sir, I prefer to reserve my speech for a later stage. If you give me a chance to speek later on, I do not want to speak at present.

Mr. SPEAKER: Yes, you have my permission.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In that case, Sir, I formally beg to move the amendment that stands in my name.

Mr. PULIN BEHARY MULLICK: Mr. Speaker, Sir, we have heard with keen attention the speech delivered by the mover of this motion. This Bill has our fullest sympathy (MR. SANTOSH KUMAR BASU: But not support), but it should be remembered that while we condemn the rigours of the certificate procedure, we must not, at the same time, fall a prey to the other things which, if accepted without due care and caution, might bring in other rigours as well. That is the only point at issue, so far as this Bill is concerned. I submit that with regard to voting on this Bill there is no controversy, because there cannot be any controversy. The rigours of the certificate procedure have been enunciated by very able speakers on the floor of this House. These speakers have direct knowledge of the certificate procedure, *i.e.*, the rigours which tenants in the mofussil are put to. We have heard them, and I may submit that they would naturally draw tears, but in this connection we should remember that Government also have done something with regard to mitigating the attendant circumstances of this certificate procedure. I am told that an officer has been appointed by Government to look into the rigours of the certificate procedure. Before the officer looks into the rigours and finds out the ways and means for mitigating them, before giving him a chance of looking into

the matter thoroughly and carefully, we should not be hasty in accepting the present Bill which has been mooted with the highest of objects. Sir, it is not necessary for me to expatiate at length on the object which, I think, I have been able to put forward before this House. My object is very simple. We feel for the tenants, but at the same time we must not be too hasty in proposing a measure which might (DR. NALINAKSHYA SANYAL: Harass Government?)—no, not Government but ourselves—the tenants—for whom we want this Bill to be passed into law.

With these words, Sir, I submit that we should wait till (RAI HARENDRA NATH CHAUDHURI: Till Dooms day?) no, till the officer appointed by Government reports and then after his opinion had been received we might accept the Bill of my learned friend, which has been so ably moved by him to-night.

Mr. SPEAKER: I think it is no use carrying on this debate to-night, because I find that the Hon'ble Revenue Minister has only formally moved his amendment this evening reserving his speech for a fututre occasion.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Can the Hon'ble Minister in charge move for the re-circulation of a Bill? I submit that he is debarred from doing so under Section 44 of the Rules and Standing Orders.

Mr. SPEAKER: My attention has just been drawn to it, and I have not yet been able to think over the matter. I propose to give my ruling later on.

I shall now adjourn the House.

Adjournment.

The Assembly was then adjourned till 4-45 p.m. on Tuesday, the 15th February 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 15th February, 1938, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 197 members.

STARRED QUESTIONS

(to which oral answers were given)

Temporary clerks of Certificate Departments.

*25. **Maulvi ABDUL BARI:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that the temporary clerks of the Bengal Tenancy Act and Certificate Departments are going to be discharged soon?

(*b*) If the answer to (*a*) is in the affirmative, what steps are the Government proposing for making provision for the discharged men?

(*c*) Are the Government considering the advisability of employing the retrenched clerks in filling up new posts and vacancies?

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. Speaker, Sir, with your permission I shall read out the answers to Question No. 25 in the absence of the Hon'ble Sir Bijoy Prasad Singh Roy.

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) Yes, if the Government Bill for the amendment of Bengal Tenancy Act becomes law soon, in its present form.

(*b*) and (*c*) Discharged temporary clerks who are properly qualified will receive due consideration when temporary or permanent vacancies occur.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state whether the retrenched hands will be absorbed in temporary or permanent vacancies in this department only or in other departments of the Government also?

The Hon'ble Mr. NALINI RANJAN SARKER: I did not say that they will be absorbed after discharge. Their cases will receive due consideration not only in this department but in other departments also.

Mr. MADHUSUDAN SARKER: What does the Hon'ble Minister mean by the word "properly" in the answers (*b*) and (*c*)?

The Hon'ble Mr. NALINI RANJAN SARKER: Qualifications which will entitle them to the posts.

Mr. J. N. GUPTA: Will the Hon'ble Minister please state if the qualifications of the retrenched hands were tested at the time of their first appointment?

The Hon'ble Mr. NALINI RANJAN SARKER: Must have been.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state, if their qualifications were tested at the time of their first appointment, where is the necessity for a test again?

The Hon'ble Mr. NALINI RANJAN SARKER: Their qualifications might have entitled them then to a post in some department, but their qualifications may not be suitable for a post in another department, say, in the Accounts Department.

Allotments of stationery articles to process-servers.

***26. Mr. NAGENDRA NATH SEN:** (*a*) With reference to the reply given to unstarred question No. 11 in the Bengal Legislative Council of the November session, 1932, will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) the amount budgeted in the last year for supplying stationery articles to the process-serving establishments of the civil courts; and

(*ii*) the amount actually spent during the last year in supplying writing materials to the process-servers of the civil courts?

(*b*) Will the Hon'ble Minister please state if he is aware of the fact that no stationery articles are supplied to the process-servers in any of the districts of Bengal up till now?

(*c*) Will the Hon'ble Minister please consider the desirability of issuing a circular letter to all the District Judges urging the necessity of supplying writing materials to these ill-paid Government servants?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) The allotments for stationery made to District Judges were increased in 1933 in order to provide for pads and printer's ink for process-servers, and such increase has been continued during subsequent years. There is however no separate allotment for the purpose.

(*ii*) The information is not readily available and does not appear to be of such a nature as to merit the time and labour involved in collecting it.

(*b*) No.

(*c*) Yes.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state the increase in the allotments in 1933 and in subsequent years, as referred to in answer (*a*) (*1*)?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: What is your question?

Mr. NAGENDRA NATH SEN: My question is what is the amount of the increased allotment.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That is a very small amount.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if printer's ink and pads are the only things that are necessary for process servers?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: These are small items for which you are asking questions. I do not believe you are justified.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister entitled to express an opinion whether a question is justified or not? I would like to know the amount of expenditure involved in supplying inks and pads.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: These are too simple questions for which I have no answers. I want notice.

Dr. NALINAKSHA SANYAL: Thank you.

River Jamuna.

*27. **Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he is aware—

(*i*) that a large area in the Shyamnagar police-station in Khulna lacks drainage facility owing to the fall in the current of the river Jamuna from Kaligang police-station to Shyamnagar police-station;

(*ii*) that the river Jhanjhania on the south-eastern side of this area has been silted up;

(*iii*) that the residents of the area have no means of draining out the surplus quantity of water; and

(*iv*) that the entire area has been reduced to a tract of stagnant pool?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of the re-excavation of the river Jamuna?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (*a*) (*i*) Yes.

(*ii*) and (*iii*) I have no information.

(*b*) In 1926 a rough scheme for the improvement of the Jamuna river was prepared, but it was not taken up on account of its great cost (Rs. 10,78,515). The deterioration of the Jamuna river is due to the cessation of the upland discharge following the diversion of the Ganges river flood discharge eastwards. Unless the upland discharge can be restored, which is bound up with the question of the improvement of the moribund rivers of Central Bengal, mere re-excavation of the Jamuna river would not have any lasting effect.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is a fact that the condition of the river Jhanjhania and the condition of the residents of those places watered by that river were brought to the notice of the Hon'ble the Minister when he very recently visited Satkhira and Daudkani in the address of welcome that was given to him?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, I believe some of these cases might have been mentioned but I do not exactly remember. I have seen for myself all that could be seen during my short visit to the locality.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether he is prepared to revise the rough scheme that was prepared in 1926, reducing the scale of expenditure for the re-excavation of the silted up rivers.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I may explain to the hon'ble member that it is not a question of reviving a particular river which will improve the situation. We have got to formulate a comprehensive scheme for improving the condition of the rivers of Central Bengal, and I believe during the next budget discussion I shall be in a position to explain the policy of Government in that direction.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what steps, if any, have been taken by Government for the restoration of the upland discharge of the Ganges.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, I have already stated that the scheme in question was prepared in 1926, but no action could be taken on account of the heavy amount which was estimated.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that a comprehensive scheme was prepared by the Jessore District Board Engineer involving the improvement of the rivers Bhairab, Ichhamati, Chitra, Kabodak, Begbati and Madhumati in the Jessore district, to be fed by water from Mathabhanga, Gorai and the Ganges from the Murshidabad district downwards and thereby combine the benefits to all the districts as well as to the Jamuna river mentioned here?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Yes, I am aware of such a scheme. It is a matter for the experts to say how much benefit will be derived from the scheme referred to. But I have no doubt that it will improve certain areas.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he is aware that this comprehensive scheme costs only two lakhs of rupees and this cost has been generally approved of by the Chief Engineer of his department?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, I want notice.

Qualifications of the Demonstrators in the Agriculture Department for propaganda work.

*28. **Dr. H. C. MUKHERJI:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) the qualifications of the Demonstrators at present in employ for propaganda work by the Agriculture Department;

(*b*) the number of permanent employees and the number employed on a temporary basis at present serving in the department;

(*c*) the salary paid;

(*d*) whether the permanent employees are on grade pay;

(*e*) if so, what is their grade;

(*f*) whether the Demonstrators get any travelling allowance;

(*g*) if so, whether the same is calculated on the distance covered or whether it is a fixed monthly allowance;

(*h*) if it is a fixed allowance what is the rate at which travelling allowance is paid;

(*i*) whether it is a fact that Demonstrators have to confine their propaganda work within a radius of 5 miles of the place where they are stationed;

(*j*) whether the Demonstrators draw any travelling allowance when they are required to visit places outside this 5 mile area;

(*k*) whether the Agricultural Demonstrators are encouraged to widen their sphere of work by doing propaganda work outside this 5 mile limit; and

(*l*) if so, at which centres this is being actually done in the districts of Nadia, Murshidabad and 24-Parganas.

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) The Demonstrators employed by the Agriculture Department for propaganda work have passed either of the following three examinations:—

(*i*) Final examination of the Agricultural Schools at Dacca or Chinsura;

(*ii*) Refresher Course examination; and

(*iii*) Departmental examinations held at the Dacca and Rangpur Farms.

(*b*) The number of permanent employees (on propaganda work) is 60 and the number employed on a temporary basis is 42.

(*e*) to (*e*) The permanent employees are on the graded pay of Rs. 25—30—2/2—50 and excepting the ten special Demonstrators placed on jute restriction propaganda who have been selected from the permanent cadre for 6 months only from the 1st December, 1937, on their substantive pay plus 1/5th of their substantive pay, all temporary Demonstrators get a fixed pay of Rs. 25 each per mensem.

(*f*) to (*h*) The Demonstrators are not ordinarily allowed travelling allowance; but if they are required on special grounds to travel beyond their respective jurisdictions travelling allowance for such journeys only is allowed to them as admissible under the rules. The ten special Demonstrators referred to above whose jurisdiction is the whole of the district in which they are employed are however given fixed travelling allowance of Rs. 30 each per mensem.

(*i*) Yes, excepting the ten special Demonstrators referred to above.

(*j*) Yes.

(*k*) No.

(*l*) Does not arise.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state in connection with Question 28(k) why Government should not encourage to widen the sphere of work of the Demonstrators for doing propaganda work outside this limit?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Because it takes all their time to do the work within the area of five miles.

Dr. H. C. MUKHERJI: Is the Hon'ble Minister aware that most Demonstrators are attached to Government farms and Khasmahal farms which is the reason why they cannot travel outside their 5 mile radius.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of the matter.

(Dr. H. C. Mukherji rose to ask a supplementary question.)

Mr. SPEAKER: Dr. Mukherji, you are not entitled to ask any supplementary question straightaway until and unless I have called out your name.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state with reference to his answer (*i*) where the headquarters of the ten Special Demonstrators are?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The ten Special Demonstrators are meant for jute propaganda. They get their orders from Calcutta.

Dr. H. C. MUKHERJI: Is the Hon'ble Minister aware that this fact is mentioned in the report——

Mr. SPEAKER: That is not a fair supplementary question, Dr. Mukherji. A question as also a supplementary question are intended to elicit information. If the information is available in any report, etc., I do not think that you should try to elicit that fact over again by putting a supplementary question.

Mr. DHIRENDRA NATH DATTA: When were these ten Special Demonstrators appointed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dr. H. C. MUKHERJI: Is it a fact that the former Demonstrators were given travelling allowance at the rate of Rs. 5 a month?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of that.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if there is any report from the ten Special Demonstrators regarding the propaganda work done by them in the interior—I mean, is there any tour diary?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dr. H. C. MUKHERJI: Is the Hon'ble Minister aware that the number of Demonstrators in the Burdwan Division is not equally distributed, and that they are much smaller in number than in other areas?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of that. I shall enquire.

GOVERNMENT BUSINESS

Supplementary Estimate for 1937-38.

SUPPLEMENTARY DEMANDS FOR GRANTS.

8—Provincial Excise.

The Hon'ble Mr. PRASANNA DEB RAIKAT: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 47,000 be granted for expenditure under the head "8—Provincial Excise" during the current year 1937-38.

The motion was put and agreed to.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, cannot we have any general discussion on this supplementary budget?

Mr. SPEAKER: If members are anxious to have such a discussion they may. There is no bar to having a general discussion on the supplementary budget.

11—Registration.

The Hon'ble Mr. A. K. FAZLUL HUQ: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 32,000 be granted for expenditure under the head "11—Registration" during the current year 1937-38.

Mr. MANMATHA NATH ROY: Sir, I move that the demand be reduced by Rs. 100, and my object is to discuss the question of the appointment of the additional Inspector and other additional staff.

Sir, it was only in August last that the Hon'ble Finance Minister gave us an assurance that very anxious consideration would be given to the question of reduction of the expenditure. He also felt that reduction was possible in the pay of the officers of Government, especially in the case of the officers at the top. Notwithstanding all that, we now find that the proposal is to have more Inspectors in this department of Registration. The plea is advanced that the work in that department has increased. Sir, it must be within the knowledge and experience of persons who are conversant even with the A. B. C. of administration that work in Government offices sometimes grows apace and that sometimes it slackens. But that is no reason why when the work increases,

additional staff should be employed and when the work slackens the staff should be reduced. I do not know, Sir, if that is a sound policy for the administration to follow. I have some experience of administration, although it is in a smaller and humbler sphere. My experience has been that efficiency is not obtained by the number of persons employed but by the management at the helm. (Ironical cries of "Hear, hear" from Treasury Benches.) That is what gives efficiency to the work of any department. Why do you want to have an additional Inspector and additional staff? There may be some justification, if at all, for having some more men at the bottom, but there is no justification whatsoever for having more officers with high salary at the top. There is no justification, it seems to me, why you should have an additional Inspector for the Registration offices, on the plea that the volume of work there has increased. I put a straight question to the Hon'ble Finance Minister, and I want a categorical answer as to whether it is not possible to carry on the increased work with the existing staff, especially with the staff at the top.

Sir, the Hon'ble Finance Minister also gave us an assurance in August last during the budget debate and also during the debates on demands for grants that he would call a conference of members of this House, so that the question of retrenchment could be discussed across the table, and he also gave us an assurance that he would draw up a supplementary statement arising out of the points raised during those discussions. I put a definite question to him, and I also want a categorical reply as to whether that statement has been prepared. I have no doubt that he gave a definite assurance to this House that before the next budget he would call a conference. Has he called it? Sir, I pause for an answer. We certainly took his assurance to be a serious one. But as things have happened, it was only something said for and to suit that particular occasion. I think, Sir, it is a very serious matter. Not only we and other members of this House but also the members of the Treasury Benches feel that national reconstruction is impossible without reduction in expenditure—without economy. What serious attempts have been made to reduce the expenditure? What do these supplementary demands mean? Do they mean in any way that there has been an honest and sincere attempt to effect economy? I think the time has come when we should be more anxious for reduction of expenditure and effect real economy and as much economy as possible in the present administration in order to carry on the work of the nation-building departments.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. It is understood that you have not invited general discussion on the supplementary budget. Under the rules it is incumbent on this House to have time allotted for general discussion and thereafter take up

demands for grants. There is one particular difficulty regarding the present supplementary demand, because we find a very large amount provided under "Charged expenditure" and for such charged expenditure there will be no demand for voting. I submit, therefore, that you will kindly give us some time for general discussion.

Mr. SPEAKER: So far as that is concerned, whenever a motion is moved, it is open for a member not only to move it but he can enter into such general discussion as may be permissible under the rules. So far as the charged expenditure is concerned, it is open for members to have general discussion.

Dr. NALINAKSHA SANYAL: Will there be no general discussion on the supplementary demand as presented, as provided in the rules? There are two stages—that of general discussion and of demand for grants, which is followed by voting.

Mr. SPEAKER: It is open to the members to have a general discussion if they like.

Dr. NALINAKSHA SANYAL: Then do I understand that general discussion will be permissible in every case?

Mr. SPEAKER: That is so. I made it absolutely clear that immediately after a particular demand is moved, it is open for a member to rise and speak about anything in the general discussion of policy if it is a voted item, and as regards other items which are not voted general discussion can be made at the stage when I mention.

Dr. NALINAKSHA SANYAL: My difficulty is that you will rule out general discussion when a particular item is moved and ask us to confine ourselves to the particular motion under discussion. But I think, Sir, we have a right to have general discussion on the whole supplementary budget.

Mr. SPEAKER: I think, Dr. Sanyal, you are labouring under a terrible misapprehension. The supplementary estimate which is before the House is of a restrictive character and such general discussion, as is allowed by all conventions, can only be permissible if it is in the nature of a policy which arises out of the supplementary budget: no extraneous matter can be touched. Therefore, if you enter into a general discussion on an item which traverses the subject-matter of the demand under discussion, you are fully entitled to do so. I do not think, however, that there can be any wide roaming about as is generally done in the case of an ordinary demand.

Dr. NALINAKSHA SANYAL: In the light of your ruling, how can we criticise generally the very policy of placing a supplementary demand made in the course of six months, particularly when only six months back a full budget was passed and only two months after that another supplementary budget was placed before the House.

Mr. SPEAKER: You can discuss it when the general budget is under discussion. Will you let me know on which rule you base your contention?

Dr. NALINAKSHA SANYAL: I am referring to section 81 of the Government of India Act which says—"and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein."

Rai HARENDRA NATH CHAUDHURI: I would invite your attention, Sir, to section 121 of the Rules and Standing Orders.

Mr. SPEAKER: Is it your point that general discussion must come in first before a particular demand comes in?

Mr. TULSI CHANDRA GOSWAMI: If I may be permitted to say so, it is your business to provide time for the general discussion.

Mr. SPEAKER: I know what is my business, but I want to find out from Dr. Sanyal under what rule he holds that general discussion must come first.

Dr. NALINAKSHA SANYAL: Section 116 lays down the stages and section 117 of the Assembly Rules and Standing Orders provides that "on a day or days to be appointed by the Governor exercising his individual judgment, subsequent to the day on which the budget is presented and for such time as the Governor, exercising his individual judgment may allot for this purpose, the Assembly shall be at liberty to discuss the budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage, nor shall the budget be submitted to the vote of the Assembly": so that that comes before the voting stage and these rules apply *ipso facto* by virtue of section 121 of the Assembly Rules and Standing Orders to supplementary demands. So it follows that general discussion must come first.

Mr. SPEAKER: So far as this matter is concerned, to-day has been allotted both for general discussion and for voting, and that is why I am holding this view that so long as general discussion is permissible

it can be raised on a particular demand when it is moved; but if any member wanted at that stage to have a general discussion on the entire policy of the supplementary estimate, I cannot rule him out but I will have to permit it. If any member wants to assail the whole policy of the supplementary estimate he can do that at any stage.

Dr. NALINAKSHA SANYAL: That is exactly what I claim.

Mr. TULSI CHANDRA GOSWAMI: It will be rather inconsequent if we were to assail the policy of the whole supplementary budget on one particular grant.

Mr. SPEAKER: I am saying that that is an item of business which can intervene at any stage if a member wishes to bring it in.

Mr. JOGESH CHANDRA GUPTA: The difficulty is that when a particular grant is asked for, the discussion is to centre round that grant; unless we are given an opportunity of having a general discussion first and the discussion on particular grant follows there would be difficulty. But according to your decision we can now start the general discussion.

Mr. SPEAKER: At any time.

Mr. CHARU CHANDRA ROY: Mr. Speaker, Sir, it is really regrettable that we are presented here with a second supplementary demand by the Hon'ble Finance Minister within three or four months. In September last we agreed to a supplementary grant and to-day after three or four months the Finance Minister comes with a second supplementary demand before us. This House has agreed to that supplementary budget of September last and to-day we have a budget with charged demands on which heads we are not to vote; we are to grant it automatically. This budget, I submit, demands Rs. 3½ lakhs including Rs. 2 lakhs for "General Administration". I have no hesitation in stating that I feel obliged to oppose the way in which it comes. Of course, I have no right to oppose the demand. If it comes in this way consistently and periodically and if the money from the Public Exchequer be drawn in this way, nobody knows where we shall stand. If it proves anything, it proves that the Hon'ble Finance Minister when he drew up his first budget, either could not calculate rightly what would be the general demand on the Exchequer, or he did it deliberately to have it passed through this House and to stifle our opinion on the matter by charged demands. I agree with the dictum of the Hon'ble Chief Minister which he laid down yesterday that I should not attribute any motive to the Hon'ble Finance Minister. I impute no motive when I say that by making such demands over which the House has no control the Hon'ble Finance Minister wants to stifle our opinion. I am quite

sure that the Hon'ble Minister had these figures and items in his mind when making the original budget, but he was doubtful if some of these items would be carried through. The Hon'ble Minister boasted in the last session that he got no defeat and had these been added he was afraid that any of his demands might be defeated. Therefore, he thought it wise to include these figures in a supplementary demand. It is never too late to be wise, but I would ask this House to consider seriously whether it should approve this belated wisdom. I want that the House raises this question to the point of a principle and I assert that it is a thoroughly bad principle.

Has the Hon'ble Minister been able to make out a case for this supplementary grant? Is the country in war? Is there famine and pestilence in the country that his calculations have been wrong and more money is necessary for the administration? Where is the emergency? The general condition of the country is as it was in August last. Nothing alarming has happened to make the last calculation wrong. I submit, therefore, that these demands are unnecessary and we could do without them, had they been calculated rightly at the proper time, i.e., at the time of the original budget.

I now come to the general discussion about the administration. I need not remind the House of the timeworn grievances about the top-heavy administration. I had really hoped that the present Government would pay attention to this question and make every effort to effect adequate economies in different directions and utilise the same (out of these retrenchments) for nation-building and constructive purposes. But instead of that what we find is that they come piecemeal with the demand for administration and on every head the cost is being increased. From time immemorial we have complained of this costly administration. Can the Hon'ble Minister honestly declare that he has exhausted all sources of cutting down the expenditure and that it is absolutely necessary to ask leave of this House for this additional grant? No. Cannot the members force down the hands of the Ministers to look after the economy and to minimise the cost of administration and give more money for nation-building and constructive works? Let us in all seriousness make this question of curtailment of expenditure for the administration a question of first rate importance.

I now come to the third point, namely, the demand of Rs. 25,000 for travelling allowance of the Ministers. Here I draw the attention of the House that in the last budget we agreed to Rs. 34,500 for this head, and in these six months travelling allowance has been increased by Rs. 25,000. Of course I totally agree with the principle of touring of the Hon'ble Ministers in villages, towns, municipalities, and everywhere to let people know their policy and enlighten them about their workings. But I submit that this House will agree with me that the tours that some of the Hon'ble Ministers have undertaken, have not

been conducted in the right manner. We have heard of irresponsible statements made by some of the Hon'ble Ministers in mufassil, the consequences of which have been broken heads and threatened destruction of some quarters of some districts. The Hon'ble Ministers have by their speeches aroused the worst passion of the listeners and have denounced the representatives of certain constituencies as enemies and traitors to Islam. I have yet to know what the administration of a country has got to do with the theosophy and theology of a particular religion. The Hon'ble Ministers have already formed certain parties ——

The Hon'ble Mr. H. S. SUHRAWARDY: Congress party.

Mr. CHARU CHANDRA ROY: Parties that have no existence. They have to organise them I need not refer any more to these acts of commission and omission. The list is a formidable one. What I want this House to consider most dispassionately is that are we responsible for the public money, of which we are said to be the zealous custodians, that is being spent by the Hon'ble Ministers not in the right manner? Shall we approve the conduct by which they have conducted themselves in various places? An unstable Ministry which is looking at dangers ahead is out for consolidating its position by attending party conferences, and that too with the help of public money. Sir, we on this side of the House cannot be a party to that. I propose most seriously that the Hon'ble Ministers before undertaking tours should obtain the sanction of the House——

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Is the member entitled to read a written speech?

Dr. NALINAKSHA SANYAL: Well, that objection has already been ruled out.

Mr. SPEAKER: I have already decided that what is sauce for the gander is also sauce for the goose!

Mr. CHARU CHANDRA ROY: I was saying, Sir, that the Hon'ble Ministers should obtain the sanction of the House before expenses are incurred on touring. For myself, I want a better administration and better work for nation-building and constructive works for this country. Before money is spent for the tourings or for any administrative purpose, where the administration is top-heavy, my submission before the House is that this House should demand that these expenses should be sanctioned by the House before the Hon'ble Ministers spend any money on these. With these words I resume my seat.

Mr. SPEAKER: Now that at least one member has spoken on the general discussion, I think it will be convenient if the stage of general discussion is finished, because I was under the impression in the beginning that there was nobody willing to take up the general discussion and that the House would proceed to vote straightaway. The subject, however, is now open for general discussion, but I must give this warning that this general discussion must be severely restricted to matters arising only out of the supplementary demands and nothing else. I think the House will approve if I close the general discussion, say, at 6-45 p.m. unless there are any speakers wishing to speak in the meantime.

Mr. C. MILLAR: May I enquire if to-day is the only day for this business, or whether this discussion can be continued another day?

Mr. SPEAKER: No, we may go on with this demand to-morrow, if necessary, but I do not think that this is a matter of such importance that we need carry it over till to-morrow. I fix 6-45 p.m., subject to exigencies, when I shall take up other matters.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, it is the third time that we are asked to vote for grants and I cannot congratulate the Finance Department on its placing before the House three budget estimates in the course of a single year. This can be termed as peaceful penetration of the public treasury or approaching the public treasury by a back door. By doing this, I submit the country, as a whole, may lose confidence in that department for its indecision. Several items have been placed before us for our vote. The first item that I will take up is Provincial Excise. But the general policy of this department is such that no grant should be voted at present for it. During the last session the Hon'ble the Chief Minister made promises that he will try to enforce prohibition in this country within five years and we expected that he would begin or at any rate the Cabinet would begin their work immediately after the close of that session. But now we find that nearly six months have passed away and no substantial work has been done in that direction. (The Hon'ble Mr. A. K. FAZLUL HUQ: I expect you to give up drinking.) The Hon'ble the Chief Minister, Sir, asks me to give up drinking. (The Hon'ble Mr. A. K. FAZLUL HUQ: I do not mean you in particular, but you in the plural number—collectively.) But, Sir, I can assure the Hon'ble the Chief Minister that, not to speak of drinking, I do not even indulge in smoking, and he knows it perfectly well as I happened some time ago to be his disciple. (The Hon'ble Mr. A. K. FAZLUL HUQ: You are a good boy.) Now, Mr. Speaker, in season and out of season we hear that this Cabinet is pre-eminently a Moslem Cabinet and we expected that the policy of prohibition would be vigorously pursued. (Question, question.)

The Hon'ble Mr. NALINI RANJAN SARKER: Can this matter be discussed in course of a supplementary demand?

Mr. SPEAKER: I do not think, Mr. Sarker, you can raise any discussion on the omission of the Hon'ble the Finance Minister; you can only raise a discussion on the commissions of the Hon'ble the Finance Minister. I think that will probably give an idea of what the Hon'ble the Finance Minister has proposed in his budget and that alone should form the subject matter of discussion; cigarettes and drinking may be left out for the time being.

Mr. SANTOSH KUMAR BASU: Yes, they are all minor vices.

Maulvi ABU HOSSAIN SARKAR: This question of prohibition, Sir, is now in our forefront. It is——

Mr. SPEAKER: I am afraid this also is out of order. It has nothing to do with the Gariahata Excise Case.

Khan Bahadur HASHEM ALI KHAN: The Excise Budget has already been passed and accepted by the House without opposition. Has my learned friend got any right to discuss it again?

Mr. SPEAKER: Yes, but that does not take away his right of general discussion.

Maulvi ABU HOSSAIN SARKAR: Here, Sir, in the first item Rs. 47,000 has been demanded for expenditure on a particular criminal case, I mean the Gariahata Excise Case. Sir, in this poor country the spending of as much as Rs. 47,000 for a particular case can only be termed as luxury. (The Hon'ble Mr. NALINI RANJAN SARKER: It has all gone to the pleaders.) Sir, the Hon'ble the Finance Minister says that it has all gone to the pleaders. If that amount is given away to pleaders, I say he has given away more than is deserved. (Question, question.) Now, if this kind of things goes on and if ten cases of this nature are started in one particular year, they will eat away most probably the greater part of the revenue of the province. I submit, Sir, that the sooner these kinds of luxury cases are stopped the better for the country.

The next item stands under the head "Registration". Here I see one item, namely, the appointment of an additional inspector of registration offices. So far or up to this time we find that this department has gone on without an officer of this nature. We do not know what additional work has been added to this department so that a new appointment has become necessary. We do not know whether this kind of appointment is created to patronise a particular person or not,

or whether this kind of appointment is really necessary. If it is for patronising a particular person or a particular gentleman, then I submit that the expenditure should not be voted by our House.

The next item is under the head "Other taxes and duties" and the amount of Rs. 4,000 is demanded as charges under the Electricity Act, but I submit the conduct of Government with respect to the Calcutta Corporation——

The Hon'ble Mr. NALINI RANJAN SARKER: Is that relevant here?

Mr. SPEAKER: Order, order. I do not think that is permissible.

Maulvi ABU HOSSAIN SARKAR: With respect to the electricity charges, I may be permitted that the general policy of the Government in regard to electricity is not commendable to the House.

The next item stands under the head "General Administration". Here I find several heads of expenditure which do not commend themselves to us in any way. I draw the attention of the House to item No. 2 of the Explanatory Memorandum which says that the Hon'ble Ministers have toured more extensively than was anticipated. I submit, Sir, the Ministers have taken more than sufficient amount by touring. So far as I remember, I have seen in newspapers that a Minister at the time of travelling is entitled to four first class fares, ten third class fares and in addition, Rs. 25 halting allowance per day under the rules. If these things are considered very seriously, one can easily understand that the Ministers are determined to take Rs. 5,333-5-4 which was given to a Minister before the Reforms came into force—(A VOICE: By the back door)—or as one of my friends has suggested that they are taking away the amount by the back door.

Another item which I beg to bring to the notice of the House is the appointment of a Special Officer in the Revenue Department in connection with the proposed enquiry into the land revenue system. We do not know who this blessed officer is, but so far as rumour goes he is a retired civil servant——

Mr. SPEAKER: Order, order. I hope you will not mention names. You can discuss the general principle but it is not desirable from the point of view of parliamentary conventions to mention names, although you can refer to persons in a general way.

Maulvi ABU HOSSAIN SARKER: Sir, according to your direction I am not going to mention his name, neither was it in my mind to do so. I submit, we do not know who this blessed officer is. But so far as rumour goes, he is a retired civil servant—an old gentleman who

has been appointed on a salary which is rather fat and which is inconceivable in the present financial circumstances of the province. It is also reported that that gentleman is now being sent to England in order to teach an English Lord who does not know anything about the land tenure system in Bengal but he is expected to come here as the President of the Land Tenure Commission. A friend whispers whether he will be the teacher or he will be taught. So far as my information goes, the proposed President of the Land Tenure Commission will be taught by the gentleman who has been appointed by the present Ministry and who is fortunate enough to proceed to England very shortly to perform his duties so that the proposed President may come here with a little bit of knowledge of the land tenure system that is prevailing in this country. If my report is true, if one English gentleman is appointed as Secretary and another is imported from England or some other country as President, I submit it is practically an insult to the intelligentsia of this country. I say, if eleven gentlemen could be found in this legislature fit to be Ministers holding the highest responsibility in this country, I wonder to see that no one could be found here to be the Secretary or the President of the proposed Land Tenure Commission. It is reported in newspapers that in another province a gentleman from the Calcutta High Court Bar is being taken as President of the Land Tenure Commission of that province. Now, I submit, if a man with sufficient intelligence and knowledge could not be found in Bengal, there were gentlemen outside Bengal—I mean true Indians—who could have been brought to preside over the proposed Land Tenure Commission. I may incidentally mention in this connection the name of Mr. Jinnah, a prominent lawyer of the Bombay High Court. I may also quote the name of Sir Tej Bahadur Sapru of Allahabad or of Sir Sultan Ahmed of Patna or Sir Safaat Ahmad Khan——

The Hon'ble Mr. NALINI RANJAN SARKER: Are we discussing the land tenure system of Bengal?

Mr. SPEAKER: He is in order.

Maulvi ABU HOSSAIN SARKAR: There are other gentlemen, Hindu, Muhammadan or Christian, who might have been brought to preside over the Commission, but instead of doing that, the President and the Secretary, are being brought from a purely foreign country. I again say, it is nothing but an insult to the intelligentsia of the country. I think, this has been done only on account of our inferiority complex or slave mentality. This is mere waste of money. Had there been a gentleman chosen in our country, the expenditure would have been far less than what we have to pay if we bring foreigners to preside over our commissions.

Then, Sir, I take up the subject of agriculture. Here a demand has been made for miscellaneous jute restriction propaganda. It has been argued, and it has been proved that jute restriction propaganda has been a total failure in Bengal, but in spite of that, items after items are being placed in our demands and supplementary demands, and we are being compelled to vote for them, though we perfectly know that this kind of grant is quite useless.

Another thing. I have incidentally mentioned that the Agriculture Department have performed their duties very cursorily with respect to this staple crop, jute. While there is a widespread demand for fixing the price of jute, Government have up to this time done nothing——

Mr. SPEAKER: I am afraid, that question cannot arise.

Maulvi ABU HOSSAIN SARKAR: I have mentioned only a few of the items given in the supplementary grants. I think, Sir, I should not proceed any further. Only I hope that this kind of supplementary grants should not be brought forward again.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, the amount under the head "General Administration" was Rs. 1,53,08,000, that is $\frac{1}{8}$th of the total expenditure. The supplementary estimate under the head "General Administration" is Rs. 1,93,000 and in the explanatory memorandum that has been submitted herewith, it has been stated that the main reasons for this supplementary estimate are as follows. First of all the Hon'ble Ministers have toured more extensively than what was anticipated. Then two Special Officers have been appointed in the Finance Department, and one Special Officer has been appointed in the Revenue Department Then the proceedings of the Election Tribunal were unusually protracted. These are the main reasons which have necessitated the supplementary grant of Rs. 1,92,000 under the head "General Administration".

First of all I shall deal with the travelling allowance of the Ministers which amounts in this case to Rs. 25,000 in the course of a short period of two or three months. The object of this tour of the Hon'ble Ministers has been well-known to the public and the people at large. Their object clearly was not for any administrative purpose but to carry on a propaganda in favour of the Muslim League, to carry on propaganda in favour of the Ministry and to carry on propaganda in favour of their organ "Azad" as against the Congress and as against those members of Krishak Party, who true to their Krishak Party interest, have not joined the Coalition Group. Mr. Speaker, Sir, allow me to narrate what happened in my District of Tippera. Tippera was the victim, I shall say victim, of the visit of the three Hon'ble Ministers at a time. It was the victim of

the Hon'ble Chief Minister, the Minister in charge of Labour, the district of Tippera has got nothing to do with labour, and the Minister in charge of Justice, accompanied by some members of the Coalition Group specially my friend Babu Birat Chandra Mondal (Laughter). I shall prove that the object was not for any administrative purpose, but to carry on propaganda in favour of the Ministry and the Muslim League. And this visit was due to the invitation and call of certain members of the Coalition Group to punish those members of the Krishak Party who did not join the Coalition Group. (Question.) Immediately after they had gone to Tippera they went to the outlying station of the district to Daudkandi to punish Maulvi Ramizuddin, a member of this House, who did not join the Coalition Group. (A VOICE: What is the nature of the punishment?) I shall show what is the nature of the punishment. The Hon'ble Chief Minister when he stood up to deliver a speech, Maulvi Ramizuddin at the outset wanted to put a few questions to the Hon'ble Chief Minister, and the Hon'ble Chief Minister assured him that after he delivered his speech he will be allowed to speak. But as a matter of fact when the speech of the Hon'ble Chief Minister was finished Maulvi Ramizuddin stood up to put a few questions and to speak on the matter. (A voice from Coalition benches: Were you at the meeting?) I was.

Mr. SPEAKER: Order, order. Mr. Datta, I do not think I am intervening. But with the little bit of parliamentary experience in this province that I have, I do not yet know that interruptions smooth matters. They always create difficulties for the party which interrupts. And I would appeal once again that particularly at a time when controversial matters are likely to ruffle feelings, members will kindly see that they do not interrupt. That will only create difficulties in their way and not in the way of the other side. (Hear, hear from Congress benches.)

Mr. DHIRENDRA NATH DATTA: Maulvi Ramizuddin was not allowed to speak. Another gentleman on behalf of the Krishak Party was present in the meeting. He wanted to speak, but he was forced to sit down by the Subdivisional Officer himself in the presence of the Hon'ble Chief Minister. Of course I shall not trouble you with what the Hon'ble Chief Minister spoke, but I shall quote one sentence which will go to show in what way the propaganda was carried on. The Hon'ble Chief Minister said "রায়ের দিন ৫জন কুমিল্লার মেম্বর শরৎচন্দ্র বসুর সাথে উঠিবে আর চারজন আমার সাথে উঠিবে

On the Day of Judgment 5 members of Comilla will rise with Sarat Chandra Bose and 4 members will rise with me." That was the speech which was delivered by the Hon'ble Chief Minister at Daudkandi. Then at Langalkot the Hon'ble Chief Minister could not go on account

of illness. The Hon'ble Minister in charge of Labour and the Hon'ble Minister in charge of Justice went to Langalkot to support another member of the Coalition Group. There Maulvi Ashrafuddin Chowdhury, a Congress leader and a leader of the Krishak Party in our district, wanted to speak. The Hon'ble Minister in charge of Labour did not allow him to speak. The audience that was present wanted to hear Ashrafuddin. A chaos was created. The Superintendent of Police intervened and whispered to the Hon'ble Minister in charge of Labour that unless Maulvi Ashrafuddin Chowdhury is allowed to speak he would not be able to maintain peace. It had the desired effect. The Hon'ble Minister allowed Ashrafuddin to speak. Subsequently a member of their group referred to the deceased father of Maulvi Ashrafuddin Chowdhury. There was chaos and the people left the meeting, and the meeting was dissolved. That was the situation. I shall narrate that as a matter of fact the object was to carry on a propaganda in favour of the Muslim League. This will be apparent from the fact that a booklet and a leaflet were distributed in the meeting. The booklet goes by the name of "বাঙ্গালার মন্ত্রীমণ্ডলী ও দেশের কল্যাণ।

printed and published by T. Ahmed at Calcutta Art Printers, 11, Wellesley Street, Calcutta, in the name of Maulvi Muhammad Yakub. This booklet was distributed in the meeting and a leaflet which I have not got with me. This booklet will show as a matter of fact for what purpose this tour was undertaken. It has been stated in the booklet:—

"মুসলমানদের পৌত্তলিকতার দিকে আহ্বান করিতেছে, বন্দেমাতরম গানকে জাতীয় সঙ্গীতে পরিণত করিবার জন্য এত জিদ হইবার কি কারণ আছে? ইহা মুসলমানের ইমান নষ্ট করিবার কৌশল মাত্র। কিন্তু যাহার মধ্যে কিছুমাত্র মুসলমানের রক্ত আছে, রত্তি পরিমাণ ইমান যাহার মধ্যে বিদ্যমান আছে সে কখন এই আহ্বানে সাড়া দিতে পারে না, বরং জীবন পণ করিয়া তাহার বিরুদ্ধাচরণ করিবে।"

Mr. AHMED HOSAIN: On a point of order, Sir. Is not the member going too far? He is entitled to discuss only the general principles.

Mr. SPEAKER: I have been very carefully hearing the speech and I must say that if Government wants to bring a supplementary demand for enhanced travelling allowances of the Ministers, it is certainly open to any member of the House to enter into the whole question of travelling allowance of the Ministers and the manner in which it is spent.

Mr. ABDULLA-AL MAHMOOD: On a point of information, Sir. Is there anything in the book to show that it was distributed on behalf of the Cabinet? Any member of the public might distribute it.

Mr. DHIRENDRA NATH DATTA: The Hon'ble Minister in charge of Labour presided over the meeting at Langolkot in which the booklet was distributed. There was a rally of the peasants in the town-hall compound of Comilla. It came on the 9th of December. The young Muslim students who were said to be the volunteers of the Muslim League were incited to violence. These volunteers assaulted the peasants, snatched away the posters and they were creating disturbance in the meeting so that the meeting may not be held. The Hon'ble the Chief Minister appeared on the scene. He received ovation from these young people who were creating disturbance and who a few minutes before assaulted the poor peasants. He did not care to attend the meeting, but the peasants were eager in order to lay their grievances before the Chief Minister but the Chief Minister received ovation from the youngsters but did not care to attend the meeting. Immediately after the occurrence, he addressed a meeting in the Madrassa. It is a specimen speech that was delivered in that meeting, I shall tell you, which will clearly show for what purpose and object the tour was undertaken.

He said—

"আজ সমস্ত প্রদেশে কংগ্রেসের জয় হইয়াছে, পারে নাই কেবল বাংলায় ও পাঞ্জাবে। আমরা জানি কংগ্রেসকে কি করিয়া সায়েস্তা রাখিতে হয়। আপনারা হয় ত জানেন ৫২ বার কংগ্রেসকে পরাজিত করিয়াছি। মনে করুন আমি দলের কাপ্তেন, আর ইঁহারা আমার সঙ্গে আর দশ জন player আমরা কংগ্রেসের মাথায় বুট দিয়া লাথি মারিয়া মারিয়া ৫২ গোল করিয়াছি। তাহার মধ্যে একটীও offside নয়। আপনারা বিচার করিয়া দেখুন জিন্না কি আসরফউদ্দিনের চেয়ে কম বোঝে?"

He further said—

"আমাদের প্রাণে আছে ভক্তি, হস্তে আছে শক্তি, কাহাকে ভয় করি? এতদিন ছিল কংগ্রেসের সঙ্গে ইংরাজের যুদ্ধ। এখন ইংরাজেরা সরিয়া দাঁড়াইয়াছে, আমরা তাহার স্থান অধিকার করিয়াছি। দেখ, বাহুতে যতদিন শক্তি আছে, ততদিন কিছু করিতে পারিবে না। এই প্রদেশে হিন্দুর চেয়ে সংখ্যায় আমরা অনেক বেশী। এখনকার রাজত্ব আমাদের। আপনারা কেহ যেন কংগ্রেসের কথায় না ভোলেন। আপনাদের ইচ্ছা হয় এই আসরফউদ্দিনের দলে যাইতে পারেন।"

The Hon'ble Mr. H. S. SUHRAWARDY: Has the Congress engaged shorthand reporters for the purpose?

(**A voice:** Yes, yes. That was the speech that was delivered by the Hon'ble the Chief Minister.)

Dr. NALINAKSHA SANYAL: What is your version?

Mr. DHIRENDRA NATH DATTA: That was the thing at Comilla. Then he went to Hajiganj. There was a large number of peasants assembled at the Masjid compound. There was a prayer. Some of them left the compound and there was a meeting held under the presidency of Maulvi Ashrafuddin Ahmed Chowdhury and in this meeting disturbance

was sought to be created by the League volunteers at the head of one of the members of this House.

(The member having reached the time-limit resumed his seat.)

(The House was then adjourned for 15 minutes.)

(*After adjournment.*)

Mr. M. SHAMSUDDIN AHMED: In view of the discussion in this House about the general discussion of the budget and in view of the fact also, sir, that we have another day to-morrow will you please extend the time?

Mr. DHIRENDRA NATH DATTA: May I be permitted to proceed and finish my speech within 15 minutes.

Mr. SPEAKER: I am afraid your time is up, and it is very difficult for me to extend the time-limit. Once I allow that, I will have to allow an extension in the case of everybody.

Mr. M. A. H. ISPAHANI: Mr. Speaker, Sir, I cannot understand why the hon'ble member who has just resumed his seat, has so exhausted himself in opposing the demand for an additional travelling allowance that is before the House. After all, Sir, what have the Hon'ble Ministers done to deserve his censure? They are accused of carrying on propaganda on behalf of the Muslim League during their tours in the Province, propaganda on behalf of an organization that takes a sane view of the politics of the day. Those who live in glass houses should not throw stones at others. Are the Congress Ministries in the seven Congress Provinces (Cries of "They are resigning"; "They are not seven but six")—they are still seven—innocent of the charge of carrying on propaganda on behalf of the Congress at the cost of the Province? Most decidedly not! I submit they are doubly guilty. We know that the whole of the U. P. Congress Cabinet toured from place to place to carry on propaganda on behalf of their organization—I mean the Congress. (A VOICE: But they tour on bullock carts.)

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Is the honourable member entitled, while we are discussing the supplementary budget as regards travelling expenses, to refer to matters connected with the work of the U. P. and Bihar Ministries?

Mr. SPEAKER: I cannot rule it out if it is relevant.

Mr. M. A. H. ISPAHANI: Sir, the U. P. Cabinet, as I have said, travelled from place to place with the object and purpose of carrying on

electioneering propaganda. (Dr. NALINAKSHA SANYAL: Question, question.) It is no use the honourable member questioning my statement and trying to interrupt me, because I shall not alter my view. (Dr. NALINAKSHA SANYAL: It is untrue.) Members of the U. P. Cabinet travelled from place to place not for the benefit of their health but to propagate Congress ideas and ideals. The Congress Ministers "shifted" from Amroha to Saharanpur and to various other places not only to carry on propaganda but to canvass on behalf of their nominees in elections. (Dr. NALINAKSHA SANYAL: Not at Government cost.) Therefore, Sir, I do not see how this demand that is before the House now——

Mr. NARENDRA NARAYAN CHAKRABARTY: মাননীয় সভ্য কি এটা দেখাতে পারেন কোন record থেকে যে কংগ্রেস মিনিষ্টারেরা গভর্ণমেণ্টের টাকা থেকে সেই tour টা চালিয়েছেন?

Mr. M. A. H. ISPAHANI: Sir, I am being interrupted so often that it is almost impossible for me to proceed with my speech. The honourable member has failed to make out a case and I submit, therefore, that this demand should be passed.

Mr. SHAH SYED GOLAM SARWAR HOSAINI:

অদ্যকার ব্যবস্থা পরিষদের discussion এ অনেক সম্ভ্রান্ত ব্যক্তি যোগ দিয়েছেন। অনেক সভ্য বিশেষ কোরে মাননীয় মন্ত্রী মহোদয়ের travelling এর উপরে বেশী জোর কোরেছেন। সভাপতি মহোদয় আমাদের বিবেচনা কর্‌তে হবে বাংলার পূর্ব্ব সরকারের সহিত বর্ত্তমান্ সরকারের সম্বন্ধ। বাংলার ভূতপূর্ব্ব সরকারকে আমরা সাধারণতঃ বলে রেখেছি এবং সেকথা ধ্রুব সত্য যে সেই সরকারের সঙ্গে দেশের জনসাধারণের সম্পর্ক ছিল না; সে সরকার দেশের জনসাধারণের সরকার ছিল না সেই আমলে যাঁরা Executive Council এ ছিলেন, যাঁরা মন্ত্রী ছিলেন তাঁরা দেশের জনসাধারণের কাছে যাতে প্রিয় হ'তে পারেন সে চিন্তা কখনও কর্‌তেন না। তাঁরা সেই আমলাতান্ত্রিক খেয়ালের উপর নির্ভর কোরে ভাব্‌তেন দেশ মরে যাক্, দেশ ডুবে যাক্ দেশের লোক ধ্বংশ হয়ে যাক্, কিন্তু আমাদের শাসনতন্ত্র জোরে চালাতে হবে। আমাদের গভর্ণমেণ্ট দেশের লোকের নিকট প্রিয় হউক, অপ্রিয় হউক, একথা তাঁরা চিন্তা কর্‌তেন না। বর্ত্তমান সরকার, বর্ত্তমান গভর্ণমেণ্ট, সেই নীতির উপর চল্‌তে পারে না। বর্ত্তমান গভর্ণমেণ্টকে সব সময় দেশের জন-মতের নিকট প্রিয় থাক্‌বার জন্য চেষ্টা কর্‌তে হয়। গভর্ণমেণ্টের পলিসী গভর্ণমেণ্টের উদ্দেশ্য যাতে জনসাধারণের নিকট অপরিচিত না থাকে, সরকারের পক্ষে এবং Cabinet এর ভিতরে যে সমস্ত সদস্য আছেন তার জন্য তাঁদের আপ্রাণ চেষ্টা কর্‌তে হবে। বিশেষ করে একদল বিরুদ্ধবাদী যখন আছেন। আজ আমরা দেখ্‌তে পাচ্ছি কি? বাংলার প্রত্যেক জেলা হ'তে প্রত্যেক জায়গা থেকে আমাদের মাননীয় মন্ত্রী মহোদয়গণকে দেখ্‌বার জন্য, তাঁদের মুখে দেশের অবস্থা শুন্‌বার জন্য, তাঁদের বর্ত্তমান কার্য্যপদ্ধতি ও নীতি জান্‌বার জন্য সকলে উৎসুক। আগ্রহের সহিত সকলে তাঁদের জায়গায় জায়গায় নিমন্ত্রণ দিচ্ছে। সময়ের অভাবে তাঁরা সব সময় সমস্ত নিমন্ত্রণ রক্ষা কর্‌তে পার্‌চেন না। এই অবস্থায় মাননীয় মন্ত্রী মহোদয়গণ এই ভ্রমণে যে টাকা খরচ করেন সেটা মনে কর্‌তে হবে যে দেশের কোটী কোটী লোকের শিক্ষার ও সুবিধার জন্য করা হচ্ছে। মাননীয় মন্ত্রী মহোদয় নিজের ব্যক্তিগত স্বার্থের জন্য নয়, দেশের জনসাধারণের সুখ-সুবিধা আনয়নের জন্য, দেশের লোকের যাতে ভাল হ'তে পারে সেই উদ্দেশ্যে এই টাকা খরচ

করেছেন। এই মাননীয় মন্ত্রী মহোদয়গণের ভ্রমণের উপরে যদি কেহ কোনপ্রকার আক্রমণ চালান, বা এটার নিন্দা করেন তাহ'লে আজ আমরা বলতে বাধ্য তিনি ন্যায় হ'তে বহুদূরে; ঈর্ষাপরবশ হ'য়ে বা (VOICE : সাধু সাধু) এই মন্ত্রীসভার বিরুদ্ধদলেরভাবে অনুপ্রাণিত হ'য়ে, হিংসার বশবর্ত্তী হ'য়ে আক্রমণ ক'রছেন। যদি ঐ সম্ভ্রান্ত সদস্যগণ যাঁরা মন্ত্রী মহোদয়গণের ভ্রমণের ব্যয়ের উপরের নানা-প্রকার তীব্রোক্তি প্রকাশ করেছেন, তাঁরা যদি বাংলার প্রকৃত বন্ধু হন, বাংলার যথার্থ হিত তাঁরা চান, তাহ'লে আমার মনে হয় তাঁরা কখনও এই নীতি সমর্থন করতে পারেন না। Sir, ত্রিপুরার সম্ভ্রান্ত সদস্য মিষ্টার ধীরেন্দ্রনাথ দত্ত এই সমালোচনার সুযোগ নিয়ে মাননীয় প্রধান মন্ত্রী মহোদয়ের, ও মান-নীয় শ্রমিক মন্ত্রী মহোদয়ের কুমিল্লা ভ্রমণ উপলক্ষ কোরে যে প্রকার তীব্রোক্তি প্রকাশ ক'রেছেন, আমি তীব্রোক্তি বলতে চাই না, ধীরেন বাবুর মত একজন সম্ভ্রান্ত সদস্যের মুখ দিয়ে যেভাবের কথা বেরিয়েছে যদি একজন সম্ভ্রান্ত সদস্যের মুখ দিয়ে তা না হ'ত তাহ'লে আজ এই ব্যবস্থা পরিষদে দাঁড়িয়ে সেটাকে ভিত্তিহীন ও মিথ্যা উক্তি বলতাম। Sir, সেই কুমিল্লা ভ্রমণের সময় আমিও কয়েকটী সভায় উপস্থিত হবার সুযোগ পেয়েছিলাম। দাউদকান্দি আমি ছিলাম। মিষ্টার ধীরেন্দ্রনাথ দত্ত যে বক্তৃতা দিয়েছেন এই পরিষদের সম্মুখে তাতে এতদিন পর্য্যন্ত কংগ্রেসের উপরে আমাদের যে কিছু শ্রদ্ধা ছিল, আজ সে শ্রদ্ধা হারায়ে ফেলেছি (Laughter from the Opposition Benches) একজন কংগ্রেস সদস্য এতদূর হিংসাদ্বেষ পরবশ হ'য়ে এইপ্রকার উক্তি ক'রেছেন। ইহাতে আশ্চর্য্যান্বিত হইয়াছি।

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker you have time and again pointed out that no motive is to be imputed. The member in course of his speech just now repeated the words 'হিংসা পরবশ হয়ে'।

Mr. SPEAKER: Mr. Golam Sarwar Hosaini, you must withdraw that expression "হিংসা"

Mr. SHAH SYED GOLAM SARWAR HOSAINI: I am sorry: I withdraw it.

বর্ত্তমান বাংলার মাননীয় মন্ত্রীমণ্ডলী দেশের লোকের নিকট কিভাবে প্রিয় যদি তাঁদের ভ্রমণের সঙ্গে কেউ থাকবার সুযোগ পেয়ে থাকেন তিনি এটা উপলব্ধী ক'রতে পেরেছেন। মিষ্টার ধীরেন্দ্রনাথ দত্তের জন্মভূমি কুমিল্লায়। সেই কুমিল্লায় মাননীয় মন্ত্রী মহোদয়গণ যে অভ্যর্থনা পেয়েছেন তাতে আশ্চর্য্যান্বিত না হ'য়ে পারি না। Sir, কুমিল্লা সহর থেকে মাননীয় মন্ত্রী মহোদয়গণ যখন সভায় রওনা হয়েছিলেন তখন পথে এবং District Board এর রাস্তার উপরে প্রকাণ্ড প্রকাণ্ড গেট দেওয়া হয়েছিল। সেই গেটের সংখ্যা কম নয়। এতে কি বোঝা যায়? বোঝা যায় যে মাননীয় মন্ত্রীমহোদয়গণের এই ভ্রমণকে এই জেলার জনসাধারণ পূর্ণ আন্তরিকতার সহিত সমর্থন ক'রছেন।

কুমিল্লার অধিকাংশ মুসলমান যাঁকে জাতির প্রতি বিশ্বাসঘাতক আখ্যা দিয়েছেন মাননীয় প্রধান মন্ত্রি সেই আসরফ উদ্দিন চৌধুরী সাহেবকে অভ্যর্থনা কোরে dias এর উপর এনে বলেছিলেন—"বলুন আপনার মত আপনি প্রকাশ করুন।" আজ সেই জায়গায় মাননীয় মন্ত্রীমহোদয়কে যেভাবে আক্রমণ করেছেন তা অত্যন্ত দুঃখের। তারপরে যে সমস্ত কুৎসার বিষয় মিষ্টার দত্ত তাঁর বক্তৃতায় প্রকাশ ক'রেছেন সে সম্বন্ধে মিষ্টার দত্তকে বলতে চাই যেখানে সভা হয়, হাজার হাজার লোক উপস্থিত হয়, সেখানে ডাক্তার কবিরাজ ব্যবসায়ি নিজ নিজ পসারের জন্য বিজ্ঞাপন ও কাগজ বিলি করে, যারা গল্প ছড়া লেখে তারাও উপস্থিত হয়, ছড়া বিলি করে; এইভাবে যেখানে দেশের সমস্ত রকম লোক উপস্থিত হয়, কে কি রকম বিজ্ঞাপন দিচ্ছে, কে কি রকম পুস্তক দিচ্ছে মাননীয় মন্ত্রী মহোদয় কি কোরে সেটা জানবেন? সেই সভায় যে সমস্ত বিজ্ঞাপনের কথা এখানে প্রকাশ করা হয়েছে, মিষ্টার

দত্ত এখানে পড়েছেন সেই বিজ্ঞাপনের কথা আজ ১৯৩৮ সনের ফেব্রুয়ারী মাসের ৮ই তারিখে ব্যবস্থাপক পরিষদে ব'সে আমরা শুনতে পেলাম। তার আগে বোধ হয় কেউ জানতে না। আমার মনে হয় ত্রিপুরাবাসীও সেটা জানতে পারে নি। মিষ্টার দত্ত এইভাবে মন্ত্রীমণ্ডলীর উপর যে কটাক্ষ কোরেছেন এটা অত্যন্ত দুঃখের। এ সম্পর্কে আর একটী কথা না ব'লে পারি না।

মিষ্টার দত্ত যে দলের M.L.A. সেই দলের পক্ষ থেকে মাননীয় প্রধান মন্ত্রী মহোদয়ের সভাকে পণ্ড করবার জন্য সেই সভায় যাতে খুন জখমী হয় এবং মাননীয় মন্ত্রী মহোদয় এবং আমাদের বর্ত্তমান Cabinet এর উপরে যেন একটা কলঙ্ক লেপন করতে পারে সেই জন্য অনেক কংগ্রেস ভলান্টিয়ার লাঠি নিয়ে (Cries of Shame, Shame) ঘিরেছিল। সেই জায়গায় মাননীয় মন্ত্রী মহোদয় পুলিসের সাহায্য নেন নি। সভায় উপস্থিত হাজার হাজার লোক সভার শান্তি রক্ষা ক'রেছে, শৃঙ্খলা রক্ষা ক'রেছে। হাজার হাজার লোক ত্রিপুরার কংগ্রেস পার্টির এই হীন ষড়যন্ত্র হ'তে সভার শৃঙ্খলা সম্পূর্ণরূপে রক্ষা কোরে সভা পূর্ণ সাফল্যের সহিত পরিচালিত করেছে। এ অবস্থায় বোঝা যায় বর্ত্তমান প্রধান মন্ত্রীর নয়, তাঁর Cabinet বাংলার জনসাধারণের কত প্রিয়। তারপরে লাঙ্গলকোটে উপস্থিত হবার সুযোগ আমার হয়েছিল। আমি না ব'লে পারি না— ত্রিপুরার বিখ্যাত কংগ্রেস কর্ম্মী বসন্তকুমার মজুমদার, ও আসরফউদ্দিন চৌধুরী যে জঘন্য উপায়ে সেখানেও একটা খুন জখমী মারামারি করবার চেষ্টা কোরে বিফল মনোরথ হয়েছিলেন। এ অবস্থায় Sir, দেশের উপরে, কুমিল্লার সভাসমিতির উপরে, এবং মাননীয় মন্ত্রী মহোদয়ের সভা যাতে পণ্ড হ'তে পারে সেই উদ্দেশ্যে, অনেক রকমের যে কারসাজি হয়েছে আজ সেই জিনিষ বাংলার ব্যবস্থা পরিষদে উল্টোভাবে উপস্থিত হয়েছে। এতে আমি অত্যন্ত দুঃখ অনুভব করছি এবং মিষ্টার ধীরেন্দ্রনাথ দত্তের এই উক্তির তীব্র প্রতিবাদ জানাচ্ছি।

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir. As I have particular motions standing in my name I had no intention to take part in the general discussion on the supplementary demands. But, Sir, some of the items proposed as non-voted expenditure in the suplementary budget seem to me quite inexplicable in view of the provision of section 78(3) of the Government of India Act. Section 78 (3) gives specific items which can be included under non-voted heads; but I see that in the supplementary grant presented under head 25 many items have been included which cannot be brought under the categories mentioned in section 78(3). Take for instance the items about clerks and all such things. I for myself cannot understand how again such items as contingencies, honoraria, travelling allowances, etc., included under head "25C(1)—Civil Secretariat" can be so described. There are other items also under head "25E—E(1) 5—Other contingencies". I think these items cannot by any stretch of imagination be covered by section 78(3). In that view, Sir, I submit that this portion of the budget has been irregularly presented.

Then, Sir, to judge the merit of this portion of the budget one will find the explanatory memorandum added to the demand under head "25" much too short and pithy. Hon'ble members will kindly notice that the amount of Rs. 1,92,000 includes two comparatively heavy items—one under "25C(1)—Civil Secretariat" and the other under "General establishment E(1)—1 Pay of officers". Now, Sir, I cannot understand why this expenditure of Rs. 55,000 which has now been proposed under sub-head "General establishment" could not be anticipated before.

This relates to no temporary establishment and is no such unforeseen expenditure as could not be estimated at the budget time yet this is one of the heaviest items under head "25—General Administration"—of this supplementary budget.

There are other items under head "25" which also require explanation. But the explanation has not been offered in the memorandum. Take for instance, under detailed account "25D—Commissioners—Pay of officers" the amount of Rs. 12,500 "charged". It is said laconically that "a 'charged' officer was appointed in place of a 'voted' officer, the latter being appointed on the Coal Committee of the Government of India and thereafter proceeding on leave". But why a non-voted officer was not appointed in place of a voted officer? Why a charged officer was appointed there? That has got to be explained. Again, in respect of charges under head "25H" relating to the High Commissioner's budget, there also it is stated that the progress of actuals reveals under-estimation in the original estimate. If there was under-estimation certainly the Finance Minister was responsible for that. Why there was under-estimation of such a pretty large sum and he could not estimate it before, he has got to explain to the satisfaction of the House.

With these remarks I will conclude my observations in connection with the general discussion of the supplementary estimate.

Mr. SYED JALALUDDIN HASHEMY: I will begin all at once by saying that we are concerned to-day with a motion for Rs. 3,42,000 of which we have no right to speak about Rs. 2,42,000 "charged".

Mr. SPEAKER: You have the right to speak but not the right to vote.

Mr. SYED JALALUDDIN HASHEMY: We are concerned with an amount of Rs. 98,000 only which I think is a petty amount. It has been suggested by one of the members of this House that the tours of the Hon'ble Ministers are for the benefit and in the interests of the public. May I ask the Hon'ble Ministers to tell this House whether it is really for the benefit and in the interests of the public? I might suggest that it is not in the interest or for the benefit of the public, but rather it is detrimental to the interest of the public. I can say from my personal experience, when one of the Ministers of this House took the trouble of visiting some of the places of my constituency, that a sum of no less than Rs. 3,000 was collected by the people of the locality to accord him a princely reception. Can anybody deny that? Everyone knows that Satkhira is a poor constituency and famine is going on there from time immemorial. I can say from my personal experience that District Executive and Subdivisional Officers exact money by way of donation and subscription to accord reception to the Ministers who visit those places.

The Hon'ble Mr. H. S. SUHRAWARDY: It is absolutely false.

Mr. SYED JALALUDDIN HASHEMY: I say it is detrimental to the interests of the public. From a newspaper report I find that a certain member of this House was beaten at a certain meeting in the district of Mymensingh. Is it or is is not in the interest of the public that the head of a member was broken at a certain public meeting in which the Hon'ble the Chief Minister was himself present. If my information is correct, the officers, particularly the District Magistrate and the Superintendent of Police were present there. Is it in the interest of the public——

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Mr. SYED JALALUDDIN HASHEMY:——public that a beating was given to a certain member of this House who comes from the district of Mymensingh? Well, something has been said about the Congress Ministry of other Provinces and some members said that people living in glass-houses should not throw stones at others. I am not referring to Congress Ministry of any other Provinces. May I ask the Hon'ble Minister in all seriousness is it the only Ministry in India that is run by a Muhammadan majority? There is the Ministry in the Punjab of which the Chief Minister happens to be a Mussalman and if my information is correct, there is the opposition there, but up till now I have not heard of any case of head-breaking in the Punjab as in Bengal. Is not the Ministry in the Assam constituted by a Chief Minister who happens to be a Mussalman? I will not speak of the North-West Frontier Provinces, because the Ministry there is characterised as a Congress Ministry. I am speaking of the Muslim League Ministry of Assam in which the Chief Minister happens to be a Mussalman. I know that some members of that House made extensive propaganda and tour in the interior of the Province to break the Ministry of that province, but no question of head-breaking arose there. (A VOICE: What about Sind?) A friend of mine reminds me of Sind. I am not going to say anything about Sind. I ask the Hon'ble Ministers present here that while they are touring like ordinary propagandists from district to district, from subdivision to subdivision and from village to village what interest they are serving by taking public money? Not directly but indirectly they are receiving somewhere a dozen address, somewhere at least half a dozen addresses of welcome and subscriptions and donations are exacted to enable the Ministers to make speeches. I may remind the representative of South Calcutta that we are not living in glass-houses; although the Congress people may be living in glass-houses, that is not my concern. We are living in open air and under the sky. The question has been dragged in unnecessarily that Ministers are travelling abroad from village to village in the interest of the public,

but so far as my constituency is concerned I was present in my constituency at the time when the Hon'ble Minister of Communication went there, but I could not go there only because of the demand of some of the members of my constitutency who came forward and asked me if he was there to see that malaria was driven out of my constituency. People came and asked me if the presence of the Minister of Communication and Works would drive away malaria from the country. Somebody suggested that if that Rs. 3,000 collected for his reception were spent for purchasing and distributing quinine in that locality, greater good would have been done to the people.

The Hon'ble Mr. H. S. SUHRAWARDY: Some congressmen said so.

Mr. SYED JALALUDDIN HASHEMY: I will add a few words more and finish. I ask my friend the Maulana Sahib in all seriousness how can he of all persons even think of granting Rs. 47,000 under the head "Provincial Excise". Is it or is it not a fact that only the other day the Chief Minister gave an assurance that he was going to bring about a total prohibition within a period of three or five years? Is it or is it not a fact that he is trying to bring about total prohibition by a supplementary grant of Rs. 47,000 of all persons Maulana Sahib is going to support the item under the major head "47—Excise". He has spoken much about Ashrafuddin Chaudhury and others. Will he agree with me or will he not agree with me that while speaking in one of the public meetings at Noakhali he challenged one of his colleagues and used expressions which I do not like to repeat here. He went so far as to say that this particular member of this House who belonged to his district should be slaughtered if power were given to him, and he also added many other similar epithets in regard to an hon'ble member of this House. Sir, I will not repeat those expressions as it will not be parliamentary to repeat them in this House. May I ask the Maulana Sahib what was his business to go to Comilla, to go to Mymensingh and to other places with the Chief Minister? Was it also in the interest of the public? Did the people of any of these places invite him to look after them? The people of Comilla never wanted him to look after their business. Comilla has got sufficient number of people to protect them, who know very well what is going on in the country. But, Sir, the Maulana Sahib went there to create a disturbance.

Mr. SPEAKER: Mr. Hashemy, you must withdraw that expression.

Mr. SYED JALALUDDIN HASHEMY: All right, Sir, I will obey the Chair, and withdraw the expression. Was it for the purpose of creating a peaceful atmosphere in Comilla that he went there?

Certainly not. I ask him to rise up in his seat and say who invited him to Comilla? Was it the people of Comilla, or the district authorities or the Chief Minster himself? Let him rise up and say. I pause for a reply. Sir, there is no reply. He might have gone there at the invitation of the people of Comilla or it may be that he went there at the invitation of some of the officers of Comilla. Sir, it is not only wrong but it is also shameful and disgraceful to suggest that the Ministers are travelling here and there in the interests of the public. Only to refute that charge, only to say that it is not a fact that Ministers are travelling in their own interests, let them say what they have to say to their Hindu and Muhammadan friends sitting in Calcutta. They have the power—the Chief Minister has the power to broadcast his speech from Calcutta. So that people all over Bengal can listen to him. He can, I am sure, instal machines in every district and with the help of those machines he can broadcast his speech and we are quite prepared to make that arrangement and find that money in the next budget, if only to save our heads. Let him broadcast his speech, let him enuntiate his policy, let him dictate his terms from Calcutta, but let him not go in the mufassil here and there and be making speeches. With these words I take my seat.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I extremely regret that I cannot characterise the attacks that have been made upon me personally as mean and despicable because these expressions would be unparliamentary. (Hear, hear) But——

Mr. SYED JALALUDDIN HASHEMY: May I rise on a point of order, Sir. Is it not unparliamentary to characterise a statement as mean and despicable?

Mr. SPEAKER: Order, order. All that the Hon'ble the Chief Minister has said is that he would not call it mean and despicable, because that would be unparliamentary!

The Hon'ble Mr. A. K. FAZLUL HUQ: All the same, Sir, I wish to say a few words in order to state certain facts for the information of the House. The House will remember that an adjournment motion was tabled in this House signed by not less than 4 persons regarding the incident at Iswargunje and at that time I requested you, Sir, to allow this motion to be discussed, because I wanted an opportunity to contradict the malicious lies that were being circulated throughout the country by the reptile press on the basis of which that motion had been tabled, without any enquiry into the real facts. Now, Sir, I will make a statement as to those incidents. I have here in this House two of my colleagues, the Hon'ble the Finance Minister and the Hon'ble the Labour Minister, who were themselves present when the alleged incidents,

besides one or two other members of this House, and I take them to witness whether what I am stating here is not the truth. I submit, Sir, I forget the exact date—perhaps it was the 18th or 19th December last—I was due to go to Iswargunje. On the way, and in spite of all that the papers may have said about me, triumphal arches were erected which blocked my progress because of the people that had collected and because the teachers of the primary schools and other schools came out in procession to meet me. I was delayed by about 2 hours. When I went there, I found a big gathering and I began my speech by saying that this is not the first time that I came to Iswarganje. I came here about a year ago and on that occasion I came to support the candidature of Mr. Bokainagari and it pained me very much to say that Mr. Bokainagari after being elected was not only voting against me but making scandalous references to me in public meetings. (Cries of "Shame, shame".)

Mr. SPEAKER: Order, order. I would request the hon'ble members not to interrupt, because, as I have said before, it is likely to jeopardise the very interests which they have got at stake. May I request the Hon'ble the Chief Minister to speak from the back because other members are not being able to hear him properly? (Cries of "Go back, go back" from the Congress Benches.) (The Hon'ble Mr. A. K. FAZLUL HUQ: Yes I go back, provided you can go forward.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Now to resume, Sir. As soon as I said that people in the audience cried "Shame, shame" and upon that Mr. Bokainagari said that he also cried shame. As soon as he said that a number of people rose up to lay hands on him, and I called out to Mr. Bokainagari and asked him to do one of three things—he should come up to the dais, stand by my side and say what he has got to say and I would afford him full protection, or he should withdraw the remark he had made or withdraw from the meeting. Mr. Bokainagari was evidently hesitating. He was at a distance from me—it was a gathering of more or less about 30,000 to 40,000 people,—and I asked the District Magistrate to go up to Mr. Bokainagari and have a talk with him. By the time that the District Magistrate went up to that place there was a crowd and some one in the melee assaulted him. I declare most solemnly that I never saw what occurred, because of the crowd, and never knew that Mr. Bokainagari has been assaulted till about 15 minutes later. The District Magistrate came back and told me that unfortunately Mr. Bokainagari had been assaulted. I asked him what steps he had taken after this incident and he told me that he had himself given a police escort to Mr. Bokainagari to convey him to a charitable dispensary, where his wounds would be attended to. This, Sir, is the whole of the incident, and it is absolutely false that I ordered Mr. Bokainagari to be beaten; it is absolutely false that I interrupted him or that I did not allow him to speak. It is absolutely false that I restricted any one from freely speaking at the meeting.

These false statements are being circulated in the press and it is not in one instance—I have got heaps of instances and one day perhaps I may release them for the information of the public as to the manner in which I am being misrepresented in the press in order that a situation may be created in which I might be looked upon with disfavour by the entire Hindu community. Sir, an attempt is being made to paint me in the blackest type possible, to misrepresent me, to wean away from me the sympathy and support of my Hindu friends. I regret very much that this step is being taken and the incident of Iswarganj is of that character. With regard to that I may add that Mr. Kindersley, District Magistrate of Mymensingh, wrote to my friend Mr. Suhrawardy a letter which at the present moment is not with me because I did not know that this point would be discussed. It is in my house and I will produce it to-morrow, if necessary. In this letter Mr. Kindersley wrote that a few days after the incident Mr. Bokainagari went to see him and told him that he was sorry for what had happened and that he had no intention of carrying that matter further. I do not think that Mr. Bokainagari himself cherishes any ill-feeling towards me or that he himself complains that I had ordered him to be beaten. The incident which took place is an incident for which we are all very sorry and which we can never have anticipated. It is extremely regrettable that facts should be distorted and that responsible members of this House should deliver speeches on the assumption that I had ordered Mr. Bokainagari to be beaten.

Now, Sir, as regards the tours that had been undertaken, I may tell this House that it was our intention in the course of these tours to get into touch with the people, to hear their complaints about various matters and especially regarding the working of the Debt Settlement Boards and Co-operative Societies. Personally, I also wanted to get into touch with the teachers of primary schools and members of union boards in order to devise means, if possible, of introducing primary education without enforcing the provisions of the Primary Education Act. I submit these are all in the interests of the public and this cannot be done from headquarters in Calcutta, and I do not see any reason why it should be said that we went about to carry on a propaganda for the Moslem League or any other political organisation. It is true that in the course of our talks we had discussions about the League, about the formation of Praja Parties and so on and so forth. These matters do crop up when members of the Government happen to be in the mufassil. I think it is a healthy sign of the time that villagers know how to approach members of the Government in order to place their grievances before them direct. I may mention to this House that as a result of my tour whenever I have found an educational institution urgently in need of money, I have sanctioned a grant from my discretionary fund and I have taken steps to see that its real and legitimate grievances are redressed. Wherever I have been, so far as educational institutions are concerned, they have

been benefited and not in one or two instances but in several people have come up to me and talked to me freely and discussed with me problems not merely of primary or secondary education but also problems of administration in general. I submit that all our tours have, therefore, been justified.

As regards expenses, I admit that perhaps it would have been economical if we had travelled in third class instead of travelling, as we have done, in first or second class, as it may be. That is a point on which our friends may offer us advice and if I find that there is sympathy and not merely this kind of criticism—which unfortunately I cannot call rabid because that would be unparliamentary—then, Sir, I am prepared to commend to my colleagues that in future we should also travel third class. I have travelled third class and I can travel third class, and I am personally not afraid of travelling in third class, but it is not a case of the class in which we should travel, but the whole point is the question of policy whether the Ministers should tour about the country or not. All over the world members of Government do tour, and if they do not, it is to their discredit. Even Ministers can come into personal contact with the people and know from their own lips what their viewpoints are regarding the various problems of administration. I submit, therefore, there should not be any acrimonious debate so far as tours are concerned. Certainly members of the opposition are at liberty to criticise the policy underlying the expenses that have been incurred, and I take it, Sir, that the members of the Cabinet welcome all the remarks that they have made minus the personal attacks that have been made and they will all take into consideration the suggestions that have been put forward, and in future when tours are undertaken they will see that neither heads nor legs are broken.

Mr. SPEAKER: I think, I should bring this matter to a close after the Hon'ble the Finance Minister has spoken.

(Several members: But Mr. Bokainagari should be given a chance if he has anything to say by way of personal explanation regarding the Iswargunge incident.)

Mr. SPEAKER: There is no question of any personal explanation to be given by Mr. Bokainagari unless he wants to controvert any of the points referred to by the Hon'ble the Chief Minister. As far as I have been able to judge the Hon'ble the Chief Minister does not appear to have cast any reflection on Mr. Bokainagari. I am afraid, my hands are tied and I can allow Mr. Bokainagari to speak only by way of personal explanation if there was anything of the nature of a misunderstanding or mis-statement of facts which have been referred to by the previous speaker. Mr. Bokainagari did not take part in the controversy at all. It was in reference to the speeches of other members that

the Chief Minister had spoken, and as such there may be no occasion for any personal explanation on the part of Mr. Bokainagari.

Mr. TULSI CHANDRA GOSWAMI: I am very sorry to say that nine-tenths of the speech of Mr. Fazlul Huq related to Mr. Bokainagari. As an hon'ble member of this House, surely he has the right either to refute or to support the Chief Minister, and it is, I think, our privilege to know the facts because things have been stated which are controversial.

Mr. SPEAKER: Unless Mr. Bokainagari wants to challenge any of the statements made by the Chief Minister, I cannot allow him to speak.

Maulvi ABDUL WAHED : উনি যা বলেছেন তা সব সত্য নয়।

Mr. SPEAKER: As he has challenged the statement of the Hon'ble Chief Minister, I will only permit him to speak so far as it is absolutely necessary, but I will not allow him to transfer this discussion into a debate. There are certain facts referred to by the Chief Minister and Mr. Bokainagari is perfectly entitled to say which part of the statement is not correct. Anything more than that he is not entitled to say, but he might get his chance later on to do so in some other connection.

The Hon'ble Mr. H. S. SUHRAWARDY: Shall I then be entitled to say that Mr. Bokainagari's statement is not correct, if he makes any statement contrary to the statement of the Hon'ble the Chief Minister?

Mr. SPEAKER: I am afraid, I cannot allow this discussion to be turned into a controversial debate.

Mr. TULSI CHANDRA GOSWAMI: The controversy has been started by Mr. Fazlul Huq——

Mr. SPEAKER: I am permitting Mr. Bokainagari to controvert any part of the statement of the Chief Minister, if he wants to, but my task is being made more difficult by the interruptions of the members

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Mr. M. SHAMSUDDIN AHMED: Would you please speak in Bengali, as Mr. Bokainagari does not understand English?

The Hon'ble Mr. H. S. SUHRAWARDY: Then how can he controvert the statement of the Hon'ble the Chief Minister?

Mr. SPEAKER: That fully supports my contention that unless the Chief Minister's speech is translated into Bengali for him, he cannot really challenge it.

Mr. SANTOSH KUMAR BASU: This is a matter which concerns every member of this House as a matter of privilege. If the name of a member is mentioned and a certain statement is imputed to him, it is up to any member of this House to demand a personal explanation. If that is not done it is a denial of the fundamental right of the members of the House and I hope you will uphold our privileges in this matter.

Mr. SPEAKER: I am afraid in their exuberance and zeal certain members of the House are not altogether realizing the position which I have taken from the beginning, and that position is that in a matter where the name of a particular member is mentioned, he is fully entitled to offer a personal explanation. But the personal explanation cannot be in the nature of a speech, and if for the matter of that Mr. Bokainagari wants that any fact is to be controverted as not being correct, he can only refer to that part and nothing more.

Mr. SANTOSH KUMAR BASU rose to speak.

Mr. SPEAKER: Order, order, Mr. Basu. I think I can appeal to you more than anybody else that at a time when the Chair is speaking any interruption even on your part would make the task more difficult than what it is.

Mr. SANTOSH KUMAR BASU: I have not uttered a word up till now before I spoke——

Mr. SPEAKER: But you are interrupting me in the midst. I was saying that Mr. Bokainagari is entitled to contradict any part of the statement which the Hon'ble Chief Minister made. I give him that opportunity. I am quite prepared to give him that opportunity if he says that he is willing to do it. But as I understand he does not know English, I hope the Whip of his Party will kindly explain to him that he should strictly confine himself only to that part of the statement which he says is not correct, and nothing more.

Maulvi ABDUL WAHED:

মাননীয় সভাপতি মহোদয়, ঈশ্বরগঞ্জের ঘটনা সম্পর্কে মাননীয় প্রধান মন্ত্রী মহোদয় যাহা বলিয়াছেন তাহা সত্য নয়। ঈশ্বরগঞ্জের সভায় মাননীয় প্রধান মন্ত্রী মহোদয়কে তাঁহার বক্তৃতার প্রথমে একখানি অভিনন্দনপত্র দেওয়া হয়। তাহাতে খাজনা হ্রাস, পাটের দর বাঁধা, বিনা করে বাধ্যতামূলক প্রাথমিক শিক্ষা প্রচলন ইত্যাদির দাবি ছিল।

Mr. SPEAKER: I am afraid I cannot allow that. You will only say which part of the statement is not correct.

Maulvi ABDUL WAHED:

তিনি ব'লেছিলেন যে বোকাইনগরী আমার দল ছেড়ে গিয়েছে, এটার বিচারের জন্য আমি এসেছি (A VOICE : He has not said that.) ঐকথা বলেছিলেন —

Maulvi ABDUL LATIF BISWAS: On a point of information, Sir. Is prompting allowed?

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, I think the Whip of the Party is entitled to help a member of his party when he does not know English. (The Hon'ble Mr. H. S. SUHRAWARDY : To make incorrect statements.)

Mr. SPEAKER: As a matter of fact I have asked the Whip of the Party to do it.

আপনি Chief Minister সাহেব আজকের মিটিংএ যে কথা বলেছেন ঠিক সেই কথা সম্বন্ধে আপনার যদি এই বক্তব্য থাকে যে তিনি যে কথাগুলো ব'লেছেন সেগুলো ভিত্তিহীন, তাহ'লে আপনি ঠিক সেই কথার প্রত্যুত্তর দিতে পারেন; বলতে পারেন একথা ভিত্তিহীন এবং যা সত্য তা এই; তা ছাড়া আপনার অন্য কোন কথা বলবার অধিকার নাই।

Maulvi ABDUL WAHED: তিনি জোর কোরে বলেছিলেন যে এ কথার বিচার না হ'লে আমি কোন কথা বলবে না। এই কথা ব'লে তিনি ব'সে পড়েছিলেন। ম্যাজিষ্ট্রেট সাহেবের কাছে আমি ক্ষমা প্রার্থনা বা দুঃখ প্রকাশ করেছি ইত্যাদি বিষয়ে যাহা বলেছেন তাহা সত্য নহে।

Mr. SPEAKER: তিনি ক্ষমা প্রার্থনার কথা বলেন নি।

Maulvi ABDUL WAHED: ম্যাজিষ্ট্রেট আমাকে বলেছিলেন আপনি case করবেন কি না। আমি উত্তর ক'রেছিলাম—আমি case করব না। আমি দুঃখ প্রকাশ করি নি, আমি case করব না, এই কথা ব'লেছি।

তারপর সেখানে ঈশ্বরগঞ্জে সরকারী কোন হাঁসপাতাল নাই; সেখানে চিকিৎসা বিষয়ে যে সমস্ত কথা বলা হয়েছে সেটা ঠিক নয়।

তিনি যখন ব'সে পড়েছিলেন তখন সেই dias থেকে একটী লোক পাগড়ী বাঁধা—সে আমার দিকে আসে এবং মাথায় বাড়ী দেয়।

প্রধান মন্ত্রী মহোদয় ব'লেছেন যে তাঁর দোষে মার হয় নি। আমি জোর করে বলিতেছি যে তাঁর দোষেই মার হয়েছে। আমি আর বেশী কিছু বলতে চাই না। (Cries of shame, shame.)

Mr. M. SHAMSUDDIN AHMED: The Chief Minister said one from amongst the crowd went and assaulted him. Mr. Bokainagari says not one from amongst the crowd but one from Minister's party.

Mr. SPEAKER: Order, order, Mr. Shamsuddin, I think you realize that this is in the nature of a personal explanation. The Hon'ble Minister said that somebody from among the crowd whom he did not notice. Therefore there cannot be any question of contradiction there.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am extremely sorry that I have to come to this Assembly for the third time in connection with the expenditure for one year. I quite appreciate the resentment of some of the members of this House that I have come to them for the third time. I quite realize their difficulty if piecemeal budgets are submitted to them. But, Sir, last year was an abnormal year. We were new to the office, and at the beginning of the year or even at the middle of the year I could not, or for the matter of that my colleagues could not, estimate what would happen during the year. That is why for the third time I have to come to you for additional expenditure. I can assure you that in future I shall try my best not to demand grants for expenditure in a supplementary budget unless of course by force of circumstances I am compelled to do so. Sir, I will take up the budget items first without going into the non-financial matters which have arisen in the course of the debate. My friend Rai Harendra Nath Chowdhury has asked for explanation of some of the items under "General Administration." He referred to allowances and honoraria and asked why this was "charged". Sir, under section 247 of the Government of India Act allowances, etc., of the members of the Civil Service or other services who are appointed by the Secretary of State are charged on the revenues. In this case the allowances referred to are allowances to members of such services, and so they are "charged".

Next, Sir, he wanted to know the explanation about Rs. 55,000 on page 11. Though there is a demand for Rs. 55,000 under "General Administration" there is almost a corresponding amount of saving under the head "Administration of Justice," which will be shown in the revised estimate in the budget I am going to present in about two or three days.

Sir, in the matter of the pay of Civil Service, it is very difficult to estimate the amount at the beginning of the year, because some of the members during the year may be transferred from the Executive to the Judicial Branch and vice versa. That is why this could not be anticipated at the time of the preparation of the original budget.

Another criticism was why a non-voted officer was placed in the place of a voted officer. But, Sir, the position of the Commissioner of a Division is in the cadre which has been fixed by the Secretary of State. The gentleman who was a voted officer, though he belonged to

the provincial service, could officiate because he was in the listed appointment in that service. So when he was transferred, another man of the cadre came up from leave and he had to be placed in that post.

Then Mr. Roy Choudhury has asked for explanation for the charges in England (item 25H of the supplementary budget). That is due to the extension of leave allowances. It could not be forecasted at the beginning of the year as to who among the officers would go on leave and for what period.

I do not think, Sir, that any other member has put in any other question regarding any items of the budget which requires an explanation.

Maulvi ABU HOSAIN SARKAR: Is it a new appointment in the Registration Department? Vide item No. (1) of the "Explanatory Memorandum" on page 5 of the Supplementary Estimate.

The Hon'ble Mr. NALINI RANJAN SARKER: One officer was necessary and we had to agree to the appointment on the recommendation of the department concerned.

Rai HARENDRA NATH CHAUDHURY: Leave it to the Minister in charge please.

The Hon'ble Mr. NALINI RANJAN SARKER: I am entitled to explain when the question is put to me.

Coming to my friend, Mr. Charu Chandra Roy's criticism that I had brought in this budget piecemeal with an ulterior motive and that I want to make some items charged, so that the members of this Assembly cannot vote on these items, I think he is labouring under a misapprehension about the charged items. I cannot create an item to be "Charged". A charged item can only be created by this Assembly or in terms of the provisions of the Government of India Act.

Mr. Charu Chandra Roy and other members also, Sir, raised and criticised the matter of Ministers' allowances and I do not propose to reply to them in detail except pointing that it is very difficult to draw a line between a "political tour" and an "administrative tour". The Ministers undertake tour for administrative purposes, but it might so happen that when they go to a place they have to do political work also. So I do not think, Sir, that on that ground the touring allowances of the Ministers can be challenged. I do not want to give examples of the Congress Ministers, because I do not know whether they bill for these things or not, but in one instance within my own personal experience, namely, the last time we went to Delhi for attending the Finance Ministers' Conference, some of the Congress Ministers

who also went there had taken part in political work there in addressing Congress meetings, University meetings, Students' Debate and things like that. So it sometimes happens that Ministers go on administrative purposes, but they have to attend to political business also. (A VOICE: Hear, hear, hear.)

Rai HARENDRA NATH CHAUDHURI: Which was primary and which was secondary?

The Hon'ble Mr. NALINI RANJAN SARKER: I think that the Ministers themselves will decide. I do not think any individual member of this House has power to dictate that. (A VOICE: Hear, hear.)

And as regards the speeches of the Ministers to which Mr. Dutt referred, as I was not present in Comilla, I do not know anything of what Mr. Dutt has said.

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. Is the Hon'ble the Minister in order, to say that it is not the business of the members of this House.

The Hon'ble Mr. NALINI RANJAN SARKER: Never, I said "individual members."

Mr. SANTOSH KUMAR BASU: The House consists of individual members and their opinion must be taken. Before the vote is taken every individual member has got a right to express his opinion as to whether a particular tour was undertaken primarily for political purposes or for administrative purposes. It is not competent for the Finance Minister to challenge the right of an individual member in taking part in a debate. The question is whether a particular tour was undertaken primarily for a political purpose. (A VOICE: Hear, hear.)

The Hon'ble Mr. NALINI RANJAN SAKER: I am perfectly within my rights to give my own interpretation. The Minister will decide for himself whether the tour is undertaken for an administrative purpose or for a political purpose. If it be not for an administrative purpose, he will not bill for it and he will not take his expense from the treasury.

Rai HARENDRA NATH CHAUDHURY: That is not the last word on the subject.

The Hon'ble Mr. NALINI RANJAN SARKER: It may not be the last word on the subject, but certainly it is my own opinion.

Then, Sir, Mr. Charu Chandra Roy said that by undertaking these tours, Ministers sometimes encourage breaking of heads and the creation of confusion.

Rai HARENDRA NATH CHAUDHURY: Promulgation under section 144, Criminal Procedure Code, also.

The Hon'ble Mr. NALINI RANJAN SARKER: That I do not know, it was promulgated in Mymensingh.

I want to tell Mr. Charu Chandra Roy that really circumstances sometimes arise that in spite of the best intentions of the Ministers, heads are broken and confusion arises. I shall ask Mr. Charu Chandra Roy to remember the incident which happened only a fortnight ago at the B. P. C. C. office. (A VOICE: hear, hear.)

As you know, no one will say that Congress leaders or Congress members encourage violence or disorder but in spite of their good wishes and in spite of their good intentions sometimes it happens that meetings are broken off, confusion arises and disturbances take place. Such occurrences may also take place at a meeting where a Minister happens to be present. Sir, I would not have made that statement if I was not present at the Ishwarganj meeting. In spite of the desires of the Ministers that unfortunate event happened for which they were not at all responsible, and I am in a position to substantially corroborate the statement made by the Hon'ble the Chief Minister.

Rai HARENDRA NATH CHAUDHURI: What was exactly the desire of the Ministers?

The Hon'ble Mr. NALINI RANJAN SARKER: To carry on the meeting, because 15,000 people had assembled there to hear the Ministers and they heard the Ministers even after that incident.

Then, so far as the remark of Mr. Hashemy is concerned, I do not think it requires any reply from me because he was not serious. He was so full of anger and he was so excited to demonstrate his anxiety for prohibition that even in regard to the demand in the Gariahat Road Excise case which had nothing to do with prohibition he appealed to members of the House to vote the demand down on the ground that we promised prohibition but we did not take steps for its furtherance.

Mr. SPEAKER: We will now resume discussion on the demands for "Registration". Mr. Manmatha Nath Roy has moved his motion. I will now ask Maulvi Abdul Bari to move his, and then Dr. Nalinaksha Sanyal.

Dr. NALINAKSHA SANYAL: Mr. Roy was discussing, so far as I find, the demand for grant under "Registration". The demand for grant under "Excise" comes before that.

Mr. SPEAKER: That has already been passed.

Dr. NALINAKSHA SANYAL: It was not passed; it was only under discussion.

The Hon'ble Mr. H. S. SUHRAWARDY: No, it was put to the House and passed.

Dr. NALINAKSHA SANYAL: Was it put to the House? voting finished!

Mr. SPEAKER: Now I ask Mr. Abdul Bari to move his motion.

Maulvi ABDUL BARI: I do not move mine, Sir.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to move the motion standing in my name, namely, "that the demand for grant under "Registration" be reduced by Rs. 100. The cut motion is proposed to raise discussion relating to two matters. One is in regard to "treating the upkeep of buildings as emergent expenditure" and the other for providing large sums of money under "Contingencies".

The House will remember, Sir, that during the general discussion of the budget we felt considerable difficulty because large sums were provided under "Contingencies", and we did not know the real intention of such provision. We had pointed out to the Hon'ble Finance Minister that it would help the House very much in future if he gave us the detailed nature of these contingencies, so that we could know for certain whether there was any back-door payments provided for. (The Hon'ble Mr. NALINI RANJAN SARKER: You always think in terms of back door; you cannot see the front door.) Or that there was any real justification for these so called contingencies. It has been stated in the explanatory memorandum that an emergent expenditure on the upkeep of the departmental buildings has been provided for, and this has necessitated a part at least of the supplementary demand. I put it to the members of this House if they are aware of any devastating floods or earthquakes having taken place during the last four or five months, during which period it was found necessary to put up an expenditure abnormal in character and to come to this House for an additional grant for the same. I believe that an expenditure of this character could have been just kept over for another month or so, so that in April when the new financial year begins we could examine this

expenditure properly after we understand the position, and along with other similar expenditure we could allot sums to this particular department. It is very difficult to accept such supplementary demands at such short notice unless we know in detail the exact nature of the building repairs embarked upon and the exact requirements of the same.

I will not, Sir, take up much of your time, but I will only say this: that it is wrong in principle to charge—I mean not in the sense of "charged expenditure," but to charge—on the revenues of this Province the expenses on account of repairs or upkeep of departmental buildings—not construction, mind you—through a supplementary demand. I consider it also very wrong that large sums—in fact Rs. 7,000—should be provided here for contingencies alone, out of a total demand of Rs. 32,000. I would very much like to have a suitable explanation for these two things from the Hon'ble Finance Minister, and I would assure you that if he comes forward with a suitable explanation we shall not press this motion to vote. But in order to draw your attention to such matters, and also that in future the Hon'ble Finance Minister may not take us by surprise, I move, for the present, the motion that this demand be reduced by Rs. 100.

Khan Bahadur Maulvi FAZLUL QUADIR: Mr. Speaker, Sir, the first cut motion moved by Babu Manmatha Nath Roy was against the appointment of an additional Inspector and other additional staff. My friend over there said in the course of his speech that there was no Inspector at all in the Registration Department until recent times. For his information I may submit that formerly there were four Inspectors in the Registration Department, and the number has been gradually reduced to one. Then again, Sir, I might also inform the House that there are at present 400 Marriage Registrars' offices and 383 Sub-Registrars' offices. For the inspection of these nearly 800 offices, at least three or four Inspectors are absolutely necessary. The Inspectors have not only to inspect periodically these offices, but they have to keep a keen eye over defalcation cases which have become all-too-frequent nowadays. It has been said, Sir, by way of argument, that the Sadar Sub-Registrars ought to inspect the rural offices more frequently than they do at present. But it is forgotten that these Sadar Sub-Registrars have not only to attend to the registration work in their own offices, but they have also to hear appeals and tour as well. Therefore, it is only fair to conclude that they have not much time left for frequent inspection of rural offices, with the result that the burden of inspecting these large number of offices falls mainly on the only and one Inspector now in the department.

Generally speaking, the Marriage Registrars hold their offices in their own houses. In 1917, the Governor in Council agreed by means of a resolution to appoint two Inspectors for inspection of the offices

of Muhammadan Marriage Registrars. Since then attempts have been made to implement this decision of Government, but it has not been possible to give effect to it. For three years the department tried in vain to create a post of Inspector, but it was unsuccessful. In 1936, however, it was able to create a post of Inspector, though the actual appointment was made in 1937.

An Inspector of Registration offices has many things to do. Besides inspection of the registration work of Sadar offices they have to audit the accounts which duty sometimes takes seven days' time, if not more, e.g., in a big district like Mymensingh this auditing of accounts takes at least 15 days. Besides these duties, an Inspector is expected to inspect the record rooms of Sadar offices very carefully as well as the records of civil, criminal and revenue offices and see whether the court-fees have been correctly paid and the stamps punched and defaced properly, and whether they are intact or not. So, thousands of cases have to be examined by an Inspector while inspecting Sadar offices. So, Sir, I submit these two officers are quite insufficient to look after about 800 offices in this Province.

Besides, there is a proposal, and everywhere it is now urged by the public, that the number of the Muhammadan Marriage Registrars should be increased. It is expected that their number will very soon go up to at least 500. To control these additional Muhammadan Marriage Registrars, it is imperative that we should have at least one additional Inspector. While I was an Inspector in the Registration Department, I frequently came across cases of offices which had not been inspected for five years or more.

Sir, the Inspector who has been recently appointed is entrusted with the duties of inspecting Marriage Registration offices only; it cannot be denied that he is engaged mainly on this work, but when he goes on tour he generally seizes the opportunity of inspecting Sub-Registrars' offices as well.

I would ask Government, both the Finance and Education Departments, to increase the number of Inspectors to four, because the number of offices is increasing gradually and daily.

Another word, Sir. My friend, Dr. Sanyal, has not been able to appreciate the reason why Rs. 7,000 is required for contingencies. I might tell him that a large part of this amount is swallowed up by the cost of transmitting landlords' fees. Then, Sir, there is another head under "Cost of transmission of landlords' fees", viz., "Pay of establishment". It has got to be recognised that there has been an expansion in the staff necessary for transmitting landlords' fees on account of increase of transfer of tenancies. This increased staff cannot be dispensed with inasmuch as they are employed solely for the purpose of transmitting landlords' fees and notices. Increase in the number of registration as well as on account of the cost of transmission charges of

landlords' fees have caused the increase in the contingent expenditure, and, I think, this increase is quite legitimate.

Then, Sir, as regards the increased expenditure of Rs. 1,300 under "Travelling allowance", this is on account of the appointment of an additional Inspector of Registration. This additional charge is required for superintendence and not for district charge. Now, Sir, there are two charges—superintendence and district charge; superintendence means the Inspector-General of Registration and Inspectors. They are all required to tour all over the province and the expenditure of Rs. 1,300 on account of tour should not be objected to. The contingent expenditure, as I have said, is quite legitimate and necessary.

One thing I would like to point out and that is that the bills of the Registration Department are carried from one year to another which I must say means a great *zulum* on the poor moharir who gets a paltry sum of Rs. 5 or Rs. 6 a month: these bills accumulate for months. The Finance Department throw out almost all the suggestions of the Inspector-General of Registration, and the latter is very shabbily treated by them, even when a reasonable proposal is made.

With these remarks, I oppose the cut motion and support the passage of the additional grant asked for by the Hon'ble Minister.

Maulvi TAMIZUDDIN KHAN: On a point of order, Sir. I want your ruling so that there may not be embarrassment. I see there are some cut motions regarding very important subjects, such as jute restriction propaganda and fixing of the minimum price of jute. There is a section in the Rules and Standing Orders which says that the same matter cannot be raised twice in the same session. If the House gives its decision on a particular matter, the same matter cannot be agitated over again in the same session. Sir, is it your ruling that if these matters are considered, discussed and decided upon in connection with the supplementary budget then members will be debarred from discussion these matters again during the general budget? Because if your ruling is to that effect, then probably the honourable members who have given notice of particular motions may not raise these questions now but reserve them for future occasion.

The Hon'ble Mr. NALINI RANJAN SARKER: I object to motion No. 16 to raise a discussion about the failure of the Government up to date in fixing the minimum price of jute.

Mr. SPEAKER: I would like to know if the Hon'ble Finance Minister has got anything to say on the point raised by Maulvi Tamizuddin Khan that if there is a demand on jute restriction propaganda to-day in the supplementary budget and in the same session of the general budget there is again a demand for jute restriction propaganda,

would the decision in connection with supplementary demand rule out the discussion on the same item in the general budget?

Dr. NALINAKSHA SANYAL: Before the Finance Minister replies may I submit that we are perfectly within our rights to discuss specific matters like these. The motion before the House is that a certain amount, namely, Rs. 15,000 be provided for certain expenditure. If that motion is adopted, a similar motion will not be discussed again. In connection with that motion if we traverse different grounds, I submit that there cannot be any occasion in future to rule out similar discussions simply for touching upon different points now. The demands in future will be entirely different and there will be no identical motion before the House.

Mr. SPEAKER: To what rule does the point you have raised refer to?

Maulvi TAMIZUDDIN KHAN: Rule 41 of the Rules and Standing Orders.

Dr. NALINAKSHA SANYAL: Rule 41 says "that a motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session." I submit that a motion will be here only for Rs. 15,000. There will be no other motion again like this exactly in future.

Mr. SPEAKER: I do not think I should be called upon to give my decision on a purely hypothetical case. I cannot give my decision till the actual motion is before the House.

Maulvi TAMIZUDDIN KHAN: In that case we shall be in a dangerous position. If you rule then that the motion is not in order we shall be in a bad predicament.

Mr. SPEAKER: I do not know what will be in my mind at that time.

Rai HARENDRA NATH CHAUDHURI: I beg to move that the demand of Rs. 32,000 be reduced by Rs. 30,000.

I quite realise the effect of what in substance will be the refusal of this supplementary grant under head "Registration". But, I would invite the House to consider fully the position of the Registration Department so far as receipts and expenditure connected with this department are concerned.

Sir, Registration was all along one of the major sources of our revenue. It was so undoubtedly a decade ago but, I am afraid, it cannot be so described now. In 1927 or 1928 our income from Registration was Rs. 40 lacs or thereabout, but, Sir, it has now dwindled to Rs. 24 or 25 lacs, even in spite of the fact that 2 lacs are now raised by imposition of additional fees.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: It was 24 lacs.

Rai HARENDRA NATH CHAUDHURI: I am not going to be deflected by any observation of the Hon'ble Minister in charge of Justice who has no knowledge of the subject under discussion.

Thus we can take it that the receipts under head "Registration" have dropped down to nearly half of what they were only 10 years back. Though such is the position in the matter of receipts under this head, expenditure, of course, has not dropped *pari passu*; on the contrary, it has gone up in utter disregard of the recommendations of the first and even of the second Retrenchment Committee. In 1932, the second Retrenchment Committee recommended substantial reductions under head "Registration". One of their principal recommendations was that the post of the Inspector-General of Registration should be abolished.

The Hon'ble Mr. H. S. SUHRAWARDY: That was a mistake.

Rai HARENDRA NATH CHAUDHURI: That was not a mistake. Let me quote the recommendation *in extenso*. The last Retrenchment Committee recommended that the post of the Inspector-General of Registration——

Mr. SPEAKER: I am afraid, you are just traversing a point not arising strictly out of your motion. You cannot enter into a general discussion of retrenchment but you can discuss why you consider this 30 thousand rupees to be unnecessary expenditure—it is that part only that is open for discussion here. You canont say why a general retrenchment is necessary but you can certainly point out why this thirty thousand rupees is to be taken out of this supplementary budget.

Rai HARENDRA NATH CHAUDHURI: I am going to make out my point that expenditure should not be further increased under head "Registration". In connection with that general proposition, I have got to show by a reference to past history how the Government has been going on increasing its expenditure and why this extra expenditure proposed in the supplementary budget should not be granted by the House.

Mr. SPEAKER: I am afraid, it is not open now; it is open in a general discussion when the general budget is presented. In moving your economy cut, you can discuss why you consider this thirty thousand rupees unnecessary. You can, of course, generally speak that the money can be found by retrenchment—it is perfectly permissible if it is a general statement. I hope you yourself realise that what you are doing now is not strictly within the limit.

Rai HARENDRA NATH CHOWDHURI: I bow to your ruling. Probably I have not been able to make my intention clear. My point is this: I am going to suggest that there are so many retrenchments recommended by the Retrenchment Committee yet Government instead of considering those recommendations are on the contrary going to increase the expenditure under this head.

Mr. SPEAKER: You are perfectly entitled to do that.

Rai HARENDRA NATH CHAUDHURI: It is only because the recommendation regarding the Inspector-General has been questioned and just referred to as a mistake that I have got to reply to that point. (A VOICE: Ignore that question.) The first Retrenchment Committee recommended that the post of the Inspector-General of Registration should be abolished and that the department should be placed under the control of the Commissioner of Excise. This recommendation of the Committee was rejected without any reason being assigned. So the Second Retrenchment Committee considered that it was a mistake on the part of the Government not to have given effect to that recommendation of the First Retrenchment Committee. Then on the question of inspection of registration offices, this was the observation of the Committee:—

"The Committee regard the anunal inspection of District Sub-registry offices as important, but they are not satisfied that there is any advantage in having them inspected annually both by the Inspector-General and Inspector of Registration Offices. We have reliable evidence to the effect that with adequate asistance, the Commissioner of Excise could perform the work of the Inspector-General of Registration in addition to his present duties. We, therefore, repeat the recommendation of the previous Committee that the post of the Inspector-General of Registration should be abolished and that the duties should be handed over to the Commissioner of Excise who will be assisted by the Personal Assistant to the Inspector-General and by the Inspector of Registration Offices."

That was the recommendation of the second Retrenchment Committee and in the face of that recommendation, Government is going to add to the charges of inspection by providing for an additional

Inspector of Registration under this head. I think Government is not well advised on that point and if Government persists in doing it, it will be ignoring the repeated recommendations of the Retrenchment Committees.

Then there are other points in the memorandum that has been subjoined. It says that emergent expenditure on the upkeep of departmental buildings is necessary, but that was provided for in the original budget I believe. In the original budget also some expenditure was provided for building repairs—about Rs. 26,000 or so was provided in this connection.

Then, Sir, as regards payment of charges for temporary establishment there also the recommendation of the Retrenchment Committee was that the expenditure should be reduced as far as practicable. I think expenditure under that head now is much larger than what it was at the time when the second Retrenchment Committee sat. How far expenditure under head "Registration" has gone up in recent times can well be understood if I refer to the figures of expenditure for the last three years. Soon after the recommendation of the second Retrenchment Committee, i.e., in 1933-34 actual expenditure under this head was Rs. 17,51,000; next year, i.e., in 1934-35 the expenditure went up to Rs. 17,70,000; in 1935-36 it went up to Rs. 18,48,000. In the budget of 1936-37 an expenditure of about Rs. 19 lakhs was proposed and so also for 1937-38, that shows an increase of more than Rs. 1,50,000 in the five years that followed the recommendations of the Second Retrenchment Committee. Further additional expenditure is now proposed under this head. Will it be paying the least respect to the recommendation of the Retrenchment Committee that was set up by the previous Government and are we to understand from this supplementary demand that the Hon'ble the Finance Minister or for the matter of that the Hon'ble the Minister in charge of the Department is seriously considering the question of retrenchment in this Province? With these words I conclude.

The Hon'ble Mr. NALINI RANJAN SARKER: So far as the motion of my friend Rai Harendra Nath Chaudhuri is concerned, I interjected while he was speaking that his motion was absurd and I still maintain that it is absurd. In a supplementary budget of Rs. 32,000 he wants a reduction of Rs. 30,000.

Rai HARENDRA NATH CHAUDHURI: Yes, I want to refuse it altogether, but as that is not allowed I want to reduce it.

The Hon'ble Mr. NALINI RANJAN SARKER: I say it cannot be done, because B-1 and B-2 are payments with regard to various salaries of the Registrars, Sub-Registrars and temporary clerks, also

the cost of transmission of landlords' fees, pay of establishment and contingencies. It does not matter what the recommendation of the Swan Committee was. We must provide for these items, because they are actually necessary for the transmission of landlords' fees. We provided for Rs. 50,000, but that was not sufficient, as there was a large transfer of raiyatwari holdings; so this Rs. 7,000 is necessary.

With regard to the repair of buildings, we have provided for Rs. 3,000 only, because there are some offices under the Registration Department which are not under the Public Works Department. The Registration Department themselves undertake repairs and it is for urgent and immediate repairs before the coming rains that we have provided for this Rs. 3,000.

Dr. NALINAKSHA SANYAL: Where and which buildings?

The Hon'ble Mr. NALINI RANJAN SARKER: In the mofussil areas. I cannot give a map to Dr. Sanyal to see the position of the buildings.

The Hon'ble Mr. A. K. FAZLUL HUQ: You will have the names from me.

Dr. NALINAKSHA SANYAL: Unnamed places!

The Hon'ble Mr. NALINI RANJAN SARKER: That is why I say that a reduction of Rs. 30,000 from this supplementary demand is not possible.

So far as the general question of reduction and the recommendation of the second Retrenchment Committee are concerned, there will be opportunity for discussion when I present the budget in a few days. Last time in the Assembly I promised that we would go through the Swan Committee's Report item by item and our recommendations would be put before this House. The report is under preparation and I am sure that before you actually vote on the demands for grants it will be in your hands.

Mr. SPEAKER: Will the Chief Minister take much time?

The Hon'ble Mr. A. K. FAZLUL HUQ: I will take about 5 minutes.

Mr. SPEAKER: In that case I will adjourn the House now.

Adjournment.

The House was then adjourned till 4-45 p.m., on Wednesday, the 16th February 1938, at the "Assembly House", Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 16th February 1938, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 195 members.

STARRED QUESTIONS

(to which oral answers were given)

Outbreak of malaria at Serajganj station.

*29. **Mr. ABDULLA-AL MAHMOOD:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that there were ravages of malaria in 1934 in the area between stations Serajganj Bazar and Serajganj on the Eastern Bengal Railway;

(*ii*) that the then Director of Public Health, Bengal, had a report from the Chairman, District Board of Pabna, in December, 1934, through the District Health Officer, stating that the severe type of epidemic was due to the closing of the mouth of the canal near Serajganj (Raipur) station by the Sara-Serajganj Railway embankment and that a culvert and opening were necessary;

(*iii*) that the Railway authority admitted the necessity of constructing a culvert;

(*iv*) that the Subdivisional Officer, Serajganj, himself investigated the affected area and reported admitting the necessity of an opening in the embankment;

(*v*) that the present Subdivisional Officer, Serajganj, deputed his Circle Officer who inspected the area and reported that the affected area comprised of about 8 or 9 square miles having big culturable fields in and between these villages; and

(*vi*) that the population of the affected villages is not less than 11,000 approximately and that productive power of this area of 8 or 9 square miles has greatly deteriorated for want of natural silt?

(*b*) If the answers to (*a*) are in the affirmative, what steps, if any, are proposed to be taken in the matter?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) (*i*), (*ii*) and (*iv*) to (*vi*) Yes.

(*iii*) No.

(*b*) The matter is under my consideration.

Mr. ABDULLA-AL MAHMOOD: As regards answers (*a*) (*i*), (*ii*) and (*iv*) to (*vi*), will the Hon'ble Minister be pleased to state the reasons for this unusual delay in considering the matter?

The Hon'ble Mr. SYED NAUSHER ALI: I can only say that the matter came to my notice after the question had been put.

Choukidari establishment.

***30. Mr. BIRENDRA KISHORE RAY CHOUDHURY:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the major portion of income of most of the Union Boards has to be spent on maintaining the *Choukidari* establishment?

(*b*) If the answer to (*a*) is in the affirmative, are the Government contemplating any Government subvention to Union Boards?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) I have no detailed information as to the proportion of income spent by individual Union Boards for this purpose. The total amount spent by the Union Boards in the province on the maintenance and equipment of *dafadars* and *choukidars* during the year 1936-37 represented 49·6 per cent. of their total income.

(*b*) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what contribution Government makes to the Union Boards for the maintenance of the *choukidars*?

The Hon'ble Mr. SYED NAUSHER ALI: No contribution.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is under the contemplation of Government to give the Union Boards a contribution so that the *dafadars* may be maintained with the contribution from Government and not entirely out of the funds of the Union Boards?

The Hon'ble Mr. SYED NAUSHER ALI: Payment of no such contribution is under the contemplation of Government.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether, in spite of the fact that 49 per cent. of the total income of a Union Board is spent on the maintenance of *dafadars* and *choukidars*, they still continue to be ill-paid?

The Hon'ble Mr. SYED NAUSHER ALI: That is a matter of opinion.

Mr. P. BANERJI: Is the Hon'ble Minister aware that even in some of the Union Boards more than 75 per cent. of their income is spent to meet the expenses of the *dafadars* and *choukidars*?

The Hon'ble Mr. SYED NAUSHER ALI: Sir, I have not quite followed the question. Will Mr. Banerji please repeat it?

Mr. P. BANERJI: My question is that in certain Union Boards more than 75 per cent. of their income is spent to meet the expenses of maintaining *dafadars* and *choukidars*. Is the Hon'ble Minister aware of this?

The Hon'ble Mr. SYED NAUSHER ALI: Well, Sir, it may be even more than that.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of investing Union Boards with the power of fixing the number of *choukidars* and *dafadars* as well as their emoluments?

The Hon'ble Mr. SYED NAUSHER ALI: Certain non-official Bills have made proposals of this nature and these matters are now under the consideration of Government.

Mr. ABDUL KARIM: Will the Hon'ble Minister be pleased to state if he is aware that some of the Collectors have issued circular letters for the increase of the pay of the *choukidars*?

The Hon'ble Mr. SYED NAUSHER ALI: In the case of Mymensingh district, the District Magistrate has issued a circular recently for enhancing the pay of *dafadars* and *choukidars*, but this order will operate with effect from the next year in the case of some Union Boards.

It is practically an order of partial restoration of reduction made sometime past in the case of these Union Boards and in the case of others it may have the effect of an increment. But that forms the subject matter of another question, which will shortly come up before the House.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Protection of a tank in the Balurghat subdivision of Dinajpur.

10. Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*a*) whether this provincial Government has agency functions to deal with questions regarding monuments in the rural areas protected by the Ancient Monuments Preservation Act;

(*b*) if the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is aware—

(*i*) that the Dibar Pillar in the Balurghat subdivision of Dinajpur has been protected under the Act but not the tank in which the pillar stands;

(*ii*) that the landlord of the tank has leased out the tank and its surrounding lands; and

(*iii*) that the lessees are bringing the surrounding lands and some portion of the bed of the tank under cultivation; and

(*c*) are the Government considering it desirable to approach the proper authorities for the protection of the tank also?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The position is that under paragraph 8(*2*) of the India and Burma (Transitory Provisions) Order, 1937, this Government continues for the present to exercise those functions which it exercised under the Ancient Monuments Preservation Act, 1904, previous to its adaptation.

(*b*) (*i*) Yes. The rights of the owners over the water and soil beneath it, excluding an area 10 feet wide round the pillar, have been reserved.

(*ii*) and (*iii*) Yes.

(*c*) The Government of India propose to terminate the operation of paragraph 8(2) of the India and Burma (Transitory Provisions) Order, 1937, in relation to the Ancient Monuments Preservation Act and have requested that no further notification under section 3(*1*) of the Act be issued by the Provincial Governments. I understand, however, that the matter is under the consideration of the Archæological Department.

The Government of Bengal are forwarding to the Government of India copies of the questions and answers.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state as regards the last paragraph of his reply whether the Government of Bengal are forwarding to the Government of India copies of the questions and answers with favourable recommendations or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: The policy of this Government in connection with matters which are not primarily its own responsibility is merely to forward to the Government of India the views of the members of this legislature.

Aid to the rural education centres.

11. Mr. BANKU BEHARI MANDAL: Will the Hon'ble Minister in charge of the Education Department be pleased to state whether Government consider the desirability of rendering suitable financial aid to the rural education centres organised under Adult Education Scheme?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): The matter is being considered by Government.

Mr. ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state the approximate date when the policy of Government regarding this matter will be finally shaped?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am unable to make any such statement.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of publishing some useful literature and leaflets on adult education?

The Hon'ble Mr. A. K. FAZLUL HUQ: There is some literature already in existence on this subject but I will also consider this suggestion.

Faridpur scheme for training bhadralog young men in agriculture.

12. Dr. H. C. MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) how long the Faridpur scheme for training *bhadralog* young men in agriculture was in operation;

(*ii*) the number of young men trained each year;

(*iii*) the amount of *khas mahal* land rented out to each of them;

(*iv*) the amount of money lent to them under the Agricultural Loans Act and the Land Development and Improvement Act;

(*v*) the amounts paid back by each of them; and

(*vi*) the cost to Government, year by year, for the operation of the scheme so long as it was in existence?

(*b*) Is it a fact that the scheme has been given up?

(*c*) If so, will the Hon'ble Minister be pleased to state the reasons for the same?

Minister in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*)(*i*) From March, 1928, to June, 1936.

(*ii*) to (*vi*) A statement is laid on the table.

(*b*) The scheme has been kept in abeyance.

(*c*) For the purpose of watching whether the majority of men already trained can set themselves up as cultivators.

Statement referred to in the answer to clauses (ii) to (vi) of unstarred question No. 12.

Number of batch.	Year.	Total number of youths trained.	Amount of *khas mahal* land provided to each.	Amount of money lent to each of the youths.	Amount paid back up to 17th November, 1937.	Money spent for the scheme.
			Bighas.	Rs.	Rs. a.	Rs.
1st ..	1928-29 ..	5	20	200	565 0	720
2nd ..	1929-30 ..	5	20	200	187 8	720
3rd ..	1930-31 ..	5	20	200	377 8	720
4th ..	1931-32 ..	5	20	200	133 8	720
5th ..	1933-34 ..	4	20	250	10 0	660
6th ..	1934-35 ..	5	20 each to three youths and 16 bighas each to two youths.	200	77 8	720
7th ..	1935-36 ..	3	Land not yet provided.	..	..	..

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state how is it that in the statement under (*a*) (*ii*) to (*vi*) the amounts paid back by the first and third batches are noted as Rs. 565 and Rs. 377-8-0, respectively, although each of these batches borrowed only Rs. 200? Is that a printing mistake?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It says that the amount lent was Rs. 200. I suppose that the excess amount was for interest and all that, but I will find it out.

Dr. H. C. MUKHERJI: Is the Hon'ble Minister aware that young men who have settled at Kanchakpur and Alichakpur have been complaining that the land allotted to them is of subnormal fertility, and that it remains under water for a major part of the year?

Mr. SPEAKER: I am afraid this question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether there was an understanding that these youths would be given tenancy rights in these lands after three years' work?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice, Sir.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he is aware that Bijoy Kumar Pal Sarkar, one of the five young men who were given land in 1929-30, and who was latterly arrested under the Bengal Criminal Law Amendment Act, spent Rs. 3,000 in order to get tenancy rights?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have no information.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that in spite of a sum of Rs. 187-8-0 being realised from the surety of this Bijoy Kumar Pal Sarkar, the crops standing on that land were confiscated by Government after his arrest?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. PROMATHA RANJAN THAKUR: With reference to question (*a*) (*i*), in which Dr. Mukherji has used the word "bhadralog", will the Hon'ble Minister be pleased to state which class of people in Bengal are "bhadralog"?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to consider the desirability of enquiring into the case and compensating this young man for the damage thus caused to him?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I shall enquire into it.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that some of these young men have already sub-let their lands?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have no information, Sir.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state what is the principle of paying back the amount?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether these youths have been cultivating their lands themselves or by hired labourers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: They had been cultivating the lands which they have now given up.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state after what interval Government will be in a position to ascertain whether the bhadralog cultivators had succeeded in making farming a success so as to resume the scheme?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It depends on the "bhadralogs" taking up the work again.

Mr. BIRENDRA NATH MAZUMDAR: So far as the second question is concerned, will the Hon'ble Minister be pleased to state how much of the amount of Rs. 200 advanced to the youths is to be paid back?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Maulvi ABDUL BARI: With regard to those who have given up the possession of their lands, will the Hon'ble Minister be pleased to state why the money has not been realised from them?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Legislative Chambers (Presidents' and Speakers' Salaries) Bill, 1937.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I at this stage have your permission to draw the attention of the House and of you, Sir, to an important question of privilege of the House arising out of the circulation of the Bengal Legislative Chambers (President's and Speaker's Salaries) Bill which was due to be discussed here to-day but which is coming before the House later on? I would not have taken your time to-day, had it not been for the fact that it is an important constitutional issue which might require some amount of investigation. And I might not be doing justice to the House or to yourself if on the spur of the moment I expected you to give your ruling.

My submission is that it is an unwritten but time-honoured convention of every democratic constitution that it is the unqualified right of the popular House in a bicameral legislature to have the final say in all matters relating to finance. I want, Sir, to draw your attention in this connection to the provisions in the Government of India Act, section 82, on which sometime ago you were pleased to give a detailed ruling. This section does contemplate the provision for Bills and amendments relating to financial matters as well as to Bills as such and not amendments. I have first to draw your attention to the fact that the President's Salary Bill comes under the purview of section 82 because, as provided under sub-section (*1*) (*c*), it relates to a matter which provides for a charge on the revenue of the province and further because there is a proposition, as you will find in the amended Bill, that there is a likelihood of an increase in the amount of any such expenditure. I submit that it is entirely within the power of this House not only to initiate the Bill but also to have a final say about amendments because sub-section (*1*) relates to Bills and amendments. I would like to submit that as provided in the proviso to sub-section (*1*), viz., "this shall not be introduced or moved except on the recommendation of the

Governor" and "a Bill making such a provision shall not be introduced in the Legislative Council." The word "Bill" excluding amendments creates some difficulty. But, Sir, I will take my stand upon the time-honoured practice that is followed everywhere. I would just draw your attention in this connection to the famous speech of Asquith in 1909, and also in 1911 in connection with the great fight between the British House of Commons and the House of Lords, when he claimed that a matter like this "is a serious breach of the constitution and a usurpation of the rights of the Commons." I would draw your attention to that famous statement that "this House", that is, the House of Commons, "asserted with ever-growing emphasis its own exclusive right to determine the taxation and the expenditure of the country." I would also submit as Asquith did that the Legislative Council, which corresponds to the House of Lords, in my estimation, has been fast developing a "new-fangled Caesarism" which converts the House into "a kind of plebiscitary organ". This "is one of the quaintest inventions of our time," this is how Asquith further characterised the interference of the House of Lords in all matters of finance. "It must be rendered impossible for a partisan and non-representative body to be able at its discretion to compel the Government of the day, possessing the confidence of the House of Commons, to abandon or mutilate its legislation and even its finance". That is where I have my submission to offer. I find that the Hon'ble the Finance Minister has given notice that he is going to place before us for consideration these amendments. I think it is a case of the Government of the day, possessing or claiming to possess the confidence of the House, being coerced into doing something which is against the expressed desire of this House. I would in this connection draw your attention to the provision regarding amendment of the Finance Bill as given in section 82 of the Government of India Act——

Mr. SPEAKER: I am afraid, Mr. Sanyal, you are going to be very long.

Dr. NALINAKSHA SANYAL: I will not take much more time. I would draw your attention to the meaning of money Bills. Under the Parliamentary Statute, the Parliamentary Act of 1911, this is very wide, including not merely matters of taxation, but also legislation or regulation of taxation, supplies and appropriation, estimates and accounts of public money and everything possible relating to finance. I submit that in that interpretation of the legislation all Dominion parliaments have agreed, and I find that everywhere the predominance of the Lower House over the administration is secured by its own initiative in matters of finance and almost in all the Dominion Parliaments—I am quoting Berriedale Keith, "Governments of the British Empire, 1935 Edition," p. 409—"in all these cases the Lower House

denies the right of the Upper House to amend money Bills"—not merely to initiate but also to amend—that is what I have got to draw your attention to. There is a difficulty in cases where the Upper House,—Council or Senate, whatever name we give—is an elective body and not a nominated or hereditary body as the House of Lords is, but even there, as in Canada and in some of the Dominions, where there is the provision that the Upper House will not be a hereditary body, even there, in matters of finance the Lower House or the popular House enjoys complete freedom and has the final say in all matters of finance, and there also the Lower Houses do not tolerate interference of any sort even in respect of amendments. This is given on pp. 410-415 of Keith's "Governments of the British Empire, 1935 Edition". I submit that in view of this let us make an attempt to have a proper interpretation of the position of this House through you, Sir, because you are the custodian of the privilege of this House. In May's Parliamentary Practice it is definitely stated that it is not only expected that the Speaker will express his opinion in Parliament on matters of privilege, but it is also incumbent upon him to draw the attention of the House of Commons whenever he feels that there is the slightest apprehension of an encroachment on the privilege of the House of this character. I submit, Sir, that the anomalies that might be found in the Government of India Act may be cleared by creation of conventions, conventions which really go to make laws in course of time. I would crave of you that you would give such a protection to this House. In case, however, we find your hands tied so far as legislative provisions are concerned, we in this House will refuse to budge an inch from the position taken by this House with regard to the President's Salary Bill, and thereby we will create a convention so that in future the Legislative Council may not dare to touch, even in the slightest degree, any decision that this House takes on matters relating to finance. With this submission, Sir, I would expect that you would kindly give us your guidance in this matter when the time comes, specially in regard to this very important constitutional question.

Mr. SPEAKER: I am not required at this stage to give a decision in this matter. But it is such a very delicate matter and it affects in such a manner the harmony of the two Houses that if at all I am tempted, as I might be, to give my views on the whole problem, I propose by arrangement with the Leader of the House to convene a secret session of this Assembly and discuss this matter purely amongst ourselves.

Mr. SPEAKER: I find that the Bengal Legislative Chambers Bill has been taken out and will be taken on the 1st March.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, Sir.

Mr. SPEAKER: I hope you realize our difficulty that as soon as you extend the time, the members' time for amendments will also have to be extended. This putting back of a Bill from a particular date to another date entirely dislocates the work, as we have to issue fresh notices to the members and fresh amendments will be tabled and fresh printing work will have to be done. I hope in future Government will realize the position.

The Hon'ble Mr. NALINI RANJAN SARKER: I quite appreciate the difficulty, Sir. But I am also helpless. In this matter I have not yet received the necessary sanction of His Excellency the Governor. The Bill for which sanction was obtained was for Rs. 1,500 as the salary of the President. But the amended Bill which I shall have to move, if I move it at all, will be for Rs. 2,000 as the President's salary. As this is an increased provision, Governor's previous sanction is necessary. As His Excellency the Governor is away, it has not been possible to get the sanction yet. That is why I cannot introduce it to-day.

Mr. SPEAKER: Is it necessary?

Dr. NALINAKSHA SANYAL: I am afraid I was going to refer to that on a subsequent date, but the Hon'ble Finance Minister has taken the wind out of my sail. I find that section 82 (*i*) proviso says that even an amendment cannot be moved except on the recommendation of the Governor. But unfortunately we find that in the Council this has been done without the previous sanction of the Governor. Because this affects not only the Assembly but also the Council, this section applies to both. If it has been permissible in the Council we presume that there was His Excellency's sanction already. If His Excellency's sanction has not been given, obviously the whole thing is *ultra vires*.

Mr. SPEAKER: I would like to know the exact position, Mr. Sarker. Has this amendment been passed in the other House without the recommendation of the Governor?

The Hon'ble Mr. NALINI RANJAN SARKER: I think we agreed to the amendment being moved there.

Mr. SPEAKER: It is no question of agreement.

The Hon'ble Mr. NALINI RANJAN SARKER: I do not remember, Sir, what actually happened, but I will make the position clear on the 1st of March.

Mr. SPEAKER: I am saying it for this reason. I am only concerned with the dislocation of the work, because it is not merely this Bill,

but another Government Bill, I understand, will be taken out—I think it is the Public Demands Recovery Bill. The date was fixed and again it has been postponed.

The Hon'ble Mr. NALINI RANJAN SARKER: Postponed because of the privilege motion allowed.

The Hon'ble Mr. A. K. FAZLUL HUQ: But that was some time ago.

Mr. SPEAKER: In any case all I would request the Leader of the House is to kindly note that except for grave and exceptional reasons any postponement completely dislocates the work, and we have to ask for fresh notices from members, because members are entitled to have fresh notice when a matter is not postponed by the House but postponed by Government. Then the date of notice has to be calculated from the date to which it is postponed. So I hope in future Government will be pleased to look to the matter from this aspect.

DEMAND FOR GRANT.

11—Registration.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I will be very brief in my reply to one cut motion by my friend Mr. Roy and another by Mr. Chaudhuri.

As regards the cut motion by Mr. Roy proposing a Rs. 100 cut to consider the question of the appointment of an additional inspector of Registration Offices and other additional staff, I wish first of all to inform this House that this question of the appointment of an Additional Inspector was considered nearly 12 years ago, and a decision was taken that this appointment should be made. The reasons were that the number of Registration Offices had gone up and the number of Muhammadan Marriage Registration Offices also was continuously on the increase. Now it so happens that the inspection of Muhammadan Marriage Registration Offices requires a knowledge on the part of the Inspecting Officer of Urdu and Persian in addition to Bengali, because some of the deeds of Dower are drawn up in Persian, Urdu or even Arabic, and they are copied in the books of the Muhammadan Marriage Registration Offices with the result that unless the Inspecting Officer is acquainted with these languages the inspection is by no means complete. It was therefore decided that there should be an Additional Inspector of Registration Offices whose main duty would be to inspect the Muhammadan Marriage Registration Offices, and as

far as possible inspect Sub-Registry Offices also. The proposal about which a decision was taken so long ago as 1924 could not be put into effect on account of financial stringency.

For the last three years the question was being considered and in 1936 a definite decision was taken by the Joint Cabinet that the appointment should forthwith be made. I have only given effect to a decision of the previous government and in doing so I have been guided principally by the fact that inspection was suffering by reason of the paucity of Inspecting Officers. The House will get an idea of the amount of work that has got to be done when I inform them that there are at the present moment, 383 Registration Offices and 395 offices of Muhammadan Marriage Registrars. Sir, I am pursuing a policy of splitting up Muhammadan Registration Offices whenever the income is over 1,000 rupees annually, in order to give each Muhammadan Marriage Registrar a small compact area for efficiency of work. The result will be that within about a couple of years time the number of Muhammadan Marriage Registrars will exceed 500 and it is humanly impossible to expect that the Inspector-General of Registration with one Inspector should be able to inspect 800 offices in the course of a year. Surprise visits paid by Inspecting Officers have revealed the fact that in many outlying places there have been defalcations, there have been irregularity of work and in some cases officers have been lacking in the performance of their duties. It was therefore necessary to take a decision immediately and to appoint an Additional Inspector of Registration Offices. Now, Sir, I fully realise that it is a question of economy. Economy can be effected in two ways—either by not making the appointment, or by making the appointment and having an officer and reducing his salary. Now if an officer is really needed he should be appointed and the question of his salary is a different question altogether. Now the question raised here is not the question of salary but the question of the appointment of the Additional Inspector and other additional staff for the Marriage Registration Offices. I submit to this House that on that point the position is absolutely clear. The appointment was long overdue and it was urgently needed for efficiency of administration and therefore we have taken the earliest opportunity of making the appointment. As regards the salary, that is of course a question of general economy, but that point has not been raised by the cut motion of Mr. Manmatha Nath Roy. So far as that cut motion therefore, is concerned, I submit to this House that there is no point in the cut motion of 100 rupees so far as the question of the appointment of the Additional Inspector is concerned.

Then as regards the motion of my friend Dr. Nalinaksha Sanyal the point that he has raised does not appear quite clear to me, but I gather that what he means is the classification of what he calls the "upkeep of buildings as emergent expenditure, and contingencies".

Now, I may tell the House as regards the housing of the Registration Offices, that as many as 28 are departmental buildings and the other buildings are Public Works Department buildings, and so far as the departmental buildings are concerned they are maintained from what is known as the "contract contingencies" which cost the Registration Department an amount of Rs. 4,000 a year only. The members of this House who come from mufassil know very well how in many cases the buildings belonging to the Sub-Registry Offices are very poor, poorly equipped, poorly maintained and urgently are in need of repairs. Documents are sometimes eaten up by white-ants and in some cases, valuable documents have been lost on account of sudden fire breaking out and from some other causes.

Now, as regards contingencies, they are of various kinds. They relate to expenditure on the ground of furniture, punkha, book-binding then Service Stamps and the cost of remittance of registration fees from the Sub-Registry Offices to the treasury. The amount that has been put down is more or less on the basis of expenditure incurred in previous years, and I submit that it is not a very high item of expenditure. I may mention as regards one point about the appointment of a Muhammadan Marriage Registrar that the point was fully gone into and a decision as regards his appointment was taken when the present Speaker of the House, Khan Bahadur M. Azizul Haque, was the Minister-in-charge of Registration.

Sir, on these grounds I oppose both the motions.

Mr. SPEAKER: The question is that the demand be reduced by Rs. 100. This refers to the motion of Mr. Manmatha Nath Roy to discuss the question of the appointment of the additional Inspector and other additional staff.

The motion was put and lost.

The motion of Dr. Nalinaksha Sanyal that the demand be reduced by Rs. 100 was put and lost.

The motion of Rai Harendra Nath Chaudhuri that the demand be reduced by Rs. 30,000 on the ground of economy was then put and lost.

The original motion of the Hon'ble Mr. A. K. Fazlul Huq that a sum of Rs. 32,000 be granted for expenditure under the head "11—Registration" during the current year 1937-38 was then put and agreed to.

Mr. SPEAKER: The next question is the demand for grant of the Hon'ble Sir Bijoy Prasad Singh Roy.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On the recommendation of His Excellency the Governor, I beg to move that a sum

of Rs. 4,000 be granted for expenditure under the head "13—Other Taxes and Duties" during the current year 1937-38.

Mr. SPEAKER: There is no motion under this head.

The motion that a sum of Rs. 4,000 be granted for expenditure under the head "13—Other Taxes and Duties" during the current year 1937-38 was then put and agreed to.

Mr. SPEAKER: The next question is that a sum of Rs. 15,000 be granted for expenditure under the head "40—Agriculture" during the current year 1937-38.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 15,000 be granted for expenditure under the head "40—Agriculture" during the current year 1937-38.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I just beg to move that this demand be reduced by Rs. 100 with a view to draw the attention of the House to the excessive expenditure involved in the jute restriction propaganda which in itself, is considered by many of us as an unjustified expenditure. I will not make any statement in this connection but I would crave your permission to allow Mr. S. N. Biswas to have his say.

Mr. SPEAKER: We will come to that later on. Let all the amendments be moved first.

Mr. SPEAKER: Mr. Shahedali, I am afraid your motion is not in order. Have you got anything to say to this?

Mr. SHAHEDALI: May I know, Sir, why it is not in order.

Mr. SPEAKER: That is my decision. It is for you to say that it is in order. I hold that it is not in order.

Mr. SHAHEDALI: Then, Sir, may I raise my original motion, i.e., discussion about policy of voluntary jute restriction propaganda with which this demand has some connection.

Mr. SPEAKER: That is another matter. This motion is not in order unless you can satisfy me that it is.

Mr. SHAHEDALI: I want to place this motion on the ground, as I understand that the propaganda has been started to ameliorate the condition of the toiling millions. This is possible first by voluntary

jute restriction propaganda and secondly, by fixing the minimum price of jute. So far the first point is concerned it has been admitted by the Hon'ble Minister in charge of Agriculture in his speech in the last session that it was a failure. So, my submission is that if that has failed my motion can be discussed in an alternative way.

Mr. SPEAKER: I am afraid that it is out of order.

Mr. DHIRENDRA NATH DATTA: May I be permitted, Sir, to show that the motion of Mr. Shahedali is in order?

Mr. SPEAKER: Yes, certainly.

Mr. DHIRENDRA NATH DATTA: Propaganda for the voluntary restriction——

The Hon'ble Mr. H. S. SUHRAWARDY: Is it at all necessary?

Mr. DHIRENDRA NATH DATTA: Yes. Evidently, the object of Mr. Shahedali is to control the price of jute. Mr. Shahedali by his motion wants to raise a discussion about the failure of Government in the matter of fixing the minimum price of jute. He wants to increase the price of jute, and the discussion that has been initiated by Dr. Sanyal also relates to the price of jute. So, the objects of Mr. Shahedali and Dr. Sanyal are identical. In this way, I submit, Sir, the motion of Mr. Shahedali is in order.

Mr. SPEAKER: In that case, the profession of Law and the profession of Medicine can be said to be one and the same, because the object of both is to earn a livelihood. I am afraid that I must rule the motion of Mr. Shahedali as out of order.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, while supporting the cut motion moved by my friend Dr. Sanyal, I must, at the outset, say that this demand is a half-hearted measure put forward by Government. The reason why I say so is that had it been the *bona fide* intention of Government to carry on jute restriction propaganda, which Government now tell us, is to the benefit of the cultivators, they should certainly have provided for such a grant in the original budget. The Hon'ble Finance Minister himself states in the explanatory memorandum that the original estimates did not provide for any expenditure after September 1937, on propaganda for the voluntary restriction of jute cultivation and that in November it was decided to renew the propaganda forthwith at a total cost of about Rs. 40,000 during the current year. Sir, while the original budget was prepared and at least up to October, Government had not in mind any proposal to launch this propaganda for the voluntary restriction of jute. In November, however, they changed their mind, and they decided to renew the propaganda forthwith, and that at a total cost of about Rs. 40,000. Sir,

the reason why Government did not make this demand at the time of their submitting their original budget was that they also knew that this sort of propaganda failed to achieve the object for which it was initiated in 1935.

Sir, in this connection, I should like to acquaint this House with the history of the origin of the policy of Government with regard to voluntary restriction. In 1932 the previous Council passed a resolution to the effect that a committee should at once be formed to investigate the causes of the economic depression of this province. The resolution runs thus:—"This Council recommends to the Government that a Committee consisting of official and non-official members of the Council and experts be appointed to make a systematic examination of the present economic depression in Bengal and to make suggestions as to what temporary and permanent measures may be taken to alleviate the present distress and ensure a steady economic progress of the people of the Presidency." But what happened after this resolution was passed? The Government of Bengal discussed the procedure which should be adopted with regard to this matter and came to the conclusion that the appointment of such a Committee to conduct a general enquiry contemplated in the resolution, viz., "to make a systematic examination of the present economic depression in Bengal", would serve no useful purpose. And that is why Government realized that, apart from other general factors which had affected almost every country of the world, the fall in the price of raw and manufactured jute was one of the primary causes responsible for the acute economic depression in Bengal. Sir, I lay stress on this aspect of the question that the Government of Bengal admitted in 1932 that the fall in the price of raw and manufactured jute was one of the primary causes responsible for the acute economic depression in Bengal. Having held that view, they appointed a Committee of 13 members, including your honoured self, under the name of the Bengal Jute Enquiry Committee, to investigate the jute problem as affecting this province. Sir, I should also like to read with your permission the terms of reference to the Committee. They were—

(*1*) the question of regulation of the production of jute;

(*2*) the marketing of jute, including the establishment of regulated markets, and the supply of market information in a suitable form to the producers;

(*3*) the creation of a Jute Committee for the province of Bengal on the lines of the proposed Central Jute Committee and the minimum amount required to finance such a Committee,

(*4*) the extent to which other materials have displaced jute and the likelihood of further substitutes being found in the near future; and

(*5*) the possibilities of making any other economic use of jute to an extent that might relieve the present situation.

Sir, all these terms of reference were directed to one point, and that is that Government wanted to adopt measures, so that the price of jute might be sufficient and proper for the agriculturists, and the minimum price of jute might be raised to an economic and paying level. The Jute Enquiry Committee submitted their reports in 1933, and it was found that the consensus of opinion of all the members of the Committee —though they submitted two separate reports—was that measures should be introduced (*1*) to restrict the production of jute in consonance with the world demand, (*2*) to increase the holding power of the jute-growers and (*3*) to establish suitable marketing organization, so that the jute-growers might get proper price for their jute.

Sir, we the public expected that Government would adopt measures to tackle these three problems at one time, so that the agriculturists could get a proper return for their produce. Such measures were practicable proposition. Firstly, the production of jute could be so restricted that the supply might be adjusted to the demand. Secondly, if they would so desire Government could so organize the jute-growers that their holding power might be increased. And, thirdly, with adequate financial help Government could also set up suitable marketing organizations.

These three things the public wanted, but Government, instead of adopting these measures, in a half-hearted manner adopted the policy of voluntary restriction of production. Sir, when they adopted that policy of voluntarily restricting the production of jute, the public felt that Government changed their previous view-point and proceeded to act in a half-hearted way for reasons best known to themselves. The result proved that they were justified to feel like that. Then, Sir, after coming to this House we tabled a Bill for taking up all necessary measures at one time, because we realised that mere restriction of production of jute would not fetch a proper price. By restriction of production supplemented by raising the holding power of the agriculturists and that again supplemented by the establishment of marketing organizations and warehouses all over the province—by simultaneous adoption of all these measures alone we could raise the price of jute, and that is what we wanted by the Bill presented to in this House. But unfortunately our Bill to that effect was not allowed to be introduced in the last session and I do not know what will be its fate this session: if, however, Government do not want to give credit to non-official members for bringing in a measure in this direction, let them adopt some such measure themselves and bring in a Bill and legislate in any way to enable the jute-growers to get proper price for their production. The present Government since they came into power knew no doubt that the voluntary jute restriction failed and they were at a fix as to what should be done. At this stage when they found that two non-official Bills in this connection were brought in by two members—one belonging to the Congress group and another to the Proja group—they apprehended

that these two groups were going to take the credit from the agriculturists; so they suddenly changed their mind and set up the machinery of voluntary restriction of jute again at a cost of Rs. 40,000, knowing full well that the whole amount would be spent in vain—not a single rupee would go towards benefiting the poor agriculturists and also knowing that this propaganda would have no effect. Simply to palliate the mind of the people, as an eye-wash, they have come forward with this demand for Rs. 40,000 for propaganda work. Strictly speaking, of course, it is not Rs. 40,000 but Rs. 15,000, because out of this Rs. 40,000, Rs. 25,000 will be found from surplus under the head "Agriculture". In any case, Rs. 40,000 will be spent on this futile propaganda work. This is how they have proceeded to improve the economic condition of the peasantry. Sir, the members of this House will find that the Hon'ble Finance Minister stated in his financial statement when he submitted the original budget that the present Cabinet spent Rs. 1,38,000 in excess of the previous year's expenditure on agriculture. But I do not find provision of a single rupee out of that excess expenditure of Rs. 1,38,000 to be spent for the real benefit of the agriculturists. Agriculturists are smothering under many grievances. Their main grievance is that the fertility of the land has deteriorated, and the other and most important grievance is that the value of their production has fallen and they are not getting proper return from cultivation. But the Agriculture Department, instead of solving any of those problems, spent the whole amount of Rs. 1,38,000 towards other purposes and not for any purpose of directly benefiting the agriculturists. This time again the Department of Agriculture posing as a friend of agriculturists have come with a demand of Rs. 40,000 for providing for some propagandists only but not for the benefit of the agriculturists. Sir, I believe that the members of this House are convinced that not a single pie of this Rs. 40,000 will go to the benefit of the poor agriculturists, and that the whole amount will be mis-spent. Government also know that no useful purpose will be served by voluntary restriction of jute production.

So I hope that realizing the futility of such expenditure the members of this House will refuse this demand for Rs. 15,000.

Mr. J. W. R. STEVEN: Sir, it has been the endeavour of my constituents—namely, the Eastern Bengal Europeans—to assist Government in jute restriction propaganda work and also statistical work for some years past. It is, however, our opinion that until such time as Government can give the cultivators an alternative crop in place of jute, which is more remunerative, it is inadvisable with the present prices which the raiyat is getting to make propaganda too severe. After all if a raiyat finds he cannot grow a crop in place of jute which will yield him as good a return, surely the members of this House would not force him to allow a portion of his ground to lie fallow.

It must also be taken into account that any form of jute restriction propaganda in Bengal must be embodied in the provinces of Bihar and Assam also. The Central Jute Committee was formed to go into all the details in connection with jute growing and it is only fair to allow them time to go into the matter before Government take any further steps in more intensive propaganda work.

Mr. SHAHEDALI: In presenting the supplementary estimate the Hon'ble Finance Minister has already stated that at the time when the previous budget was presented no provision was made for jute restriction propaganda work. I beg to submit that there was no necessity at that time for provision of any money for jute restriction, as the Minister in charge thought that there was absolutely no necessity for jute restriction. This was quite clear from his speech delivered on the 1st September 1937 on the floor of this House. He stated that in the second year of jute restriction, people cultivated 162,000 acres of land while in the 3rd year, it rose up to 234,000 acres of land. He was not then in favour of jute restriction propaganda. The Hon'ble Minister of Agriculture threw the burden of jute restriction on the shoulders of the previous Government and he characterised himself as a layman in this field. He stated, "What I would like to say is this, the jute restriction scheme was not started by the present Government, but it is a legacy of the late Government, and to move a cut motion by way of censuring the present Government is, I do not think, fair or just".

Now, Sir, what has prompted the Hon'ble Minister to start again the voluntary jute restriction scheme. It was a failure, it is a failure and it will be a failure to restrict jute cultivation, if left to the free-will of the cultivators. It is nothing but an exploitation of public time, energy and money. By this method, only the rich and influential cultivators will be benefited at the expense of the poor.

Now, Sir, if the first fails naturally the second point comes, e.g., to raise the price by fixing minimum price of jute. Some members are of opinion that the scheme is wholly an impracticable one. What is possible in one province is also possible in another. The province of Bihar has fixed the price of sugarcane, while sugarcane is also grown in Bengal, Assam, Java and other places. The claim of jute is a stronger one as much as fifteen annas jute is grown in this province. Mr. Cooper is of opinion that it is possible in consultation with neighbouring provinces. He says "Any measure, therefore, of provincial legislation to control the price and production of jute in Bengal will be useless unless the provinces of Bihar and Assam can be persuaded to work in union with Bengal." It is not impossible to have consultation with the Ministers of other Provinces and thereby fix the minimum price of jute. The Minister in charge of the Department assured us

at that time that he would write to the Central Jute Committee enquiring whether it is possible for them to fix the minimum price of jute. He did write and get an answer, but unfortunately we have not got anything.

The Hon'ble Minister of Agriculture stated "The House is well aware that there is a Central Jute Committee which is already going into this question, and I am prepared to write to them and inform them that the members of this House desire that as early as possible we should come to the question of fixing the minimum price of jute and ask for their advice if that is practicable, because I think they are the best persons to be referred to."

The Hon'ble Mr. H. S. SUHRAWARDY: Discussion on the question of the minimum price of jute is out of order.

Mr. SHAHEDALI: My submission to the House is that instead of moving in the right direction the Hon'ble Minister in charge has taken recourse to propaganda work by people. Some of whom not only preach for restriction of jute but also preach the creed of Muslim League. With these words I beg to support the cut motion moved by my hon'ble friend over there.

Mr. ABDUL HAKEEM: I would like to speak on this question. I would be very brief because it is only a supplementary demand. I submit that my vocabulary is not as big as that of Mr. Biswas. Nevertheless I can bear witness to the futility of the entire propaganda carried on in this country in connection with the jute restriction. I am not an expert on this subject, and I had no occasion to specialise in that branch of human activity in my life. I come from a village and the happiest part of my life was spent in the village, in close neighbourhood of the toiling millions, and I have seen what feeble attempts are being made to ameliorate the condition of the jute-growing public in this country. Now I raise this cut motion on two important grounds, internal and external.

So far as the internal aspect of the thing is concerned, I would like to refer to the characteristics of the peasantry of Bengal. First of all, these people are very conservative. They like to stand or fall by their old fashioned method. They do not like to take the newer methods of agriculture: they do not like to introduce changes into their system. The conservative spirit of the peasants is a stumbling block in the way of their accepting any newer scheme that may be placed before them.

The second ground is that they are extremely lacking in the spirit of enterprise. Thirdly, they are wanting in foresight. Fourthly, I would like to submit that they are extremely sentimental. When the

speakers from outside go to the villages and give illuminating lectures, sometimes by means of lantern slides, they enjoy those things very much; but as soon as they go back to their houses they forget everything altogether. An enquiry into the actual state of things would substantiate what I am just placing before this House; I have personal knowledge of all these things. The characteristics of these people do not justify this sort of propaganda.

As regards the second point, namely, the external aspect of the propaganda, i.e., the actual propaganda that is carried on in this country, I am in extreme doubt if the vast sum of money which is spent on this account is at all justified by the amount of benefit that accrues to the jutegrowing public. A reference to the Annual Report of the Department of Agriculture of Bengal for the year 1936-37 would show that for the purpose of (1) superintendence, more than Rs. 1 lakh was spent; (2) for supervising staff a sum of Rs. 4 lakhs was spent; (3) on experimental farms nearly Rs. 2 lakhs was spent; (4) on agricultural experiment Rs. 70,000; (5) for divisional seed stores about Rs. 5,000 was spent; (6) agricultural schools Rs. 11,000 or more was spent; (7) public exhibitions and fairs, Rs. 3,000 and (8) on miscellaneous jute restriction propaganda Rs. 20,000. Altogether about Rs. 9 lakhs was spent.

Figures are not available and I believe they cannot be had, and no speculation is possible in that respect as to what amount of benefit will actually accrue to the peasants, and to what extent the jute-growing public have been benefited. (The Hon'ble Mr. H. S. SUHRAWARDY: Price has gone up from Rs. 2-8 to Rs. 6.) Therefore, on the face of it, it will appear that a huge sum of money was spent on that account That is the position there. Now, Sir, if we are actually bent upon launching a propaganda like that we can take recourse to some other means. I would submit that in rural areas we may set up Jute Restriction Boards consisting of voluntary members from the locality and members of the Union Boards of the locality may be *ex officio* members of those Boards, and they may carry on the work of propaganda. Moreover, so far as speeches are concerned, our Hon'ble Ministers sometimes pay visits to important centres in the districts and there they may deliver speeches and sometimes pamphlets or booklets also may be distributed, and I believe speeches from the lips of Hon'ble Ministers will be more telling and effective in this respect. Eleven Hon'ble Ministers may go round as they are actually going round at present. (Dr. NALINAKSHA SANYAL: Who will pay their expenses?) Well, at any rate, we shall not have to spend doubly on that account. In that way they may give instructions to these people, and things may be done in that way. I remember that when you, Mr. Speaker, were the Education Minister, and had occasion to go to important centres in the districts, you actually delivered speeches for the restriction of jute. The same thing may be repeated now also. I, therefore, oppose

both on principle and also on grouds of utility and benefit to the jute-growing public, this huge demand that has been made.

Maulvi ABDUL BARI: Sir, it seems that the Muslim League has loomed large before the public eye. It drew the attention of the members of the Congress Party yesterday when they spoke about the travelling allowances of the Hon'ble Ministers and it has also come up to-day for discussion when my hon'ble friend Mr. Shahedali referred to the activities of the Jute Restriction Officer in going about to propagate the cult of the Muslim League. I may tell my friends that the Muslim League does not require any propaganda whatsoever at the hands of anybody, because every Mussalman believes in the cult of the Muslim League, because every one is a preacher himself, and because the Muslim League is meant for the liberty of the country as a whole. It is also meant to bring about the economic solution of the country's problem.

Mr. SPEAKER: I am afraid you are going a bit beyond your limit.

Maulvi ABDUL BARI: As regards the question of restriction, I will refer to the speech delivered by my friend Mr. Biswas and I will have to say that Mr. Biswas blew hot and cold in the same breath. Mr. Biswas has submitted a Bill on this subject and this Bill will be coming up for consideration by this House very soon. Therein he has pleaded for restriction, but he has pleaded for restriction of the production of jute not on a voluntary basis, but on a compulsory basis. Now, it is the desire of every man who lives in this country to look to the interests of the peasants. Whether restriction will at all be useful from the point of view of the tenants, and if restriction is necessary, whether voluntary restriction will be useful or compulsory restriction will be useful, are matters which are not absolutely free from difficulty. These are matters which one may think are very easy to come to a solution about, but others may think otherwise. So far as I am personally concerned, my view on this point is that, so far as compulsory restriction is concerned, that is not at all advisable, nor will it be to the interest of the tenants for whose benefit it is meant. In his Bill my friend Mr. Biswas has laid down some conditions. One of them is that the man will have to pay four annas per bigha of jute that he has got to sow; that means a further taxation of the tenants and I do not think that the people of Bengal will agree to pay any taxation whatsoever for cultivating their own land. Moreover, the question of restriction will have to be judged with respect to the question of marketing, with respect to the question of fixation of price, and so on and so forth. It is to be admitted that restriction is necessary, but once we hold that compulsory restriction is not feasible certainly we have to go back to the other proposition, namely, restriction by Propaganda. Whether voluntary restriction after

that will also be of some utility to the tenants, will also have to be considered, and why? because it is also necessary to fix or raise the price of jute. Now, Sir, the question of raising or fixing the price of jute is a matter on which perhaps the assistance of experts of economists or experts who deal in jute will be necessary. My humble opinion on the subject is that it is very easy to use catch-phrases and tell the public that we wanted to fix the price of jute but that other people are opposing it, and that it is for them and them only that such a measure could not be passed. At the same time my friends ought to remember whether, when they come to legislate on a particular subject, it will really be of any good to those for whom it is intended. Sir, in discussing this question, the question of supply and demand will have to naturally come in. So far as India is concerned, the jute-growing provinces in India are Bengal, Bihar and Assam and perhaps a portion of Madras. (Dr. NALINAKSHA SANYAL: And Orissa too.) The jute produce of these provinces taken together is about 150 lacs of bales, and of these 150 lacs of bales about 85 lacs are consumed in the mills of India, whereas about 45 to 50 lacs of bales are exported to foreign countries such as Great Britain, Italy, Germany, America, and so on and so forth. When we have got to go into this question we shall have to look to the holding power of the tenants at the same time, but if it be that the price of jute be fixed at Rs. 8 or Rs. 10 (Dr. NALINAKSHA SANYAL: Is all this relevant?) I submit that it is relevant in the sense that when the question of restriction comes in, the fixation of price is a necessary corollary of that and so it comes in.

Mr. SPEAKER: Order, order. I shall now adjourn the House for 15 minutes for prayer.

(The House was then adjourned for 15 minutes.)

After adjournment.

Maulvi ABDUL BARI: I have only a few more remarks to make on the subject. I was just talking about the holding power of the tenants with regard to the fixation of the price of jute. Now, if, for example, the price of jute be fixed at Rs. 8 or Rs. 10 and if those who want to purchase jute from the tenants refuse to purchase it at Rs. 8 or Rs. 10, will it be possible for them to hold on, say, for about six months or for a year? I think, Sir, having regard to the present economic condition of the tenants of Bengal, it will be practically impossible for them to hold on even for a single day, because there are pressing demands made by the zamindars, mahajans and other creditors, and therefore, as soon as jute is harvested, they do not find even time enough to hoard it up in their homes but to sell it on the land itself. Under these circumstances, I do not think it will be possible for the tenants to agree to the fixation of the price of jute. It is alluring no doubt, but when they find that they would be put to inconvenience and difficulties, they will

themselves cry for a relaxation of that rule. Then it may be argued how will it be that they will be able to hoard up for so many months which depends on the question of demand and supply.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. You did not allow Mr. Shahedali to move his motion on the ground——

Mr. SPEAKER: I think that question might be left now. The guillotine has fallen.

The motion of Dr. Nalinaksha Sanyal that the demand be reduced by Rs. 100 (to raise a discussion about the policy of voluntary jute restriction propaganda) being put, a division was taken with the following result :—

AYES.

Abdul Hafeez, Khan Bahadur Syed.
Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Muktagacha Mymensingh.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerjee, Mr. P.
Banerjee, Mr. Satya Priya.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Maqbul Hosain, Mr.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Pain, Mr. Barada Prosanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiron Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Roy, Rai Bahadur Kshirod Chandra.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Yousuf Mirza.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid Shah, Maulvi.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hosain, Mr. Ahmed.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur
Armstrong, Mr. W. L.

Asiad Hossain Khan, Maulvi.
Barat Ali, Mr. Md.
Barma, Babu Promhari.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Chippendale, Mr. J. W.
Cresfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Das, Mr. Manmohan.
Edbar, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Golam Sarwar, Hosaini, Mr. Shah Syed.
Griffiths, Mr. C.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Homan, Mr. F. T.
Idris Ahmed Mia, Mr.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khandkar, Mr.
Singha, Babu Kshetra Nath.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tofel Ahmed Choudhury, Maulvi Haji.
Wahur Rahman, Maulvi.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 58 and Noes being 104, the motion was lost.

The original motion of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, that a sum of Rs. 15,000 be granted for expenditure under the head "40—Agriculture" during the current year 1937-38 was put and agreed to.

MOTIONS.

The Bengal Maternity Benefit Bill, 1937.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that to the personnel of the Select Committee to which the Bengal Maternity Benefit Bill, 1937, has been referred the following names be added, namely:—

Mr. W. A. M. Walker, and

Mr. I. G. Kennedy.

We have had the misfortune to loose two members of the Select Committee who represented the employers as they have resigend from this Assembly. In their places these two gentlemen have been elected and I propose that their names be added.

Maulvi ABU HOSSAIN SARKAR: I beg to move, by way of amendment, that the name of "Mr. J. N. Gupta" be added after "Mr. I. G. Kennedy".

Mr. SPEAKER: Mr. Suhrawardy, have you got any objection?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no objection to Mr. J. N. Gupta's name being added.

Mr. SPEAKER: Then shall I put all the three names together? The motion that to the personnel of the Select Committee to which the Bengal Maternity Benefit Bill, 1937, has been referred, the names of Mr. W. A. M. Walker, Mr. I. G. Kennedy and Mr. J. N. Gupta be added was then put and agreed to.

Mr. SPEAKER: The next question is the Bill of the Hon'ble Mr. Prasanna Deb Raikat to amend the Bengal Rhinoceros Preservation Act, 1932.

The Bengal Rhinoceros Preservation (Amendment) Bill, 1937.

The Hon'ble Mr. PRASANNA DEB RAIKAT: I beg to introduce a Bill to amend the Bengal Rhinoceros Preservation Act, 1932.

The Secretary then read the short title of the Bill.

Mr. SPEAKER: Will you please move your next motion.

The Hon'ble Mr. PRASANNA DEB RAIKAT: I beg also to move that the said Bill be taken into consideration.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, we have all got notice of the Bill called the "Rhinoceros Preservation Bill" but some of us have been wondering if that animal is really in existence in Bengal at all.

Dr. NALINAKSHA SANYAL: Even in the Assembly there are many.

The Hon'ble Mr. NALINI RANJAN SARKER: I find one.

Mr. JOGESH CHANDRA GUPTA: And we want to know from the Hon'ble Minister what is the utility of the rhinoceros's horns and what are the portions of rhinoceros which the Hon'ble Minister is so much interested in preserving and for the possession of which, a fine which is prohibitive, if not punitive, is contemplated. Of course, if the Hon'ble Minister contemplates to bring under the purview of this Bill all living persons and animals who have got thick skins, who can bear up all kinds of insults, injury or damage done to their persons, there may be some utility and we all want to know what kind of rhinoceros the Hon'ble Minister contemplates by this Bill to preserve.

The Hon'ble Mr. NALINI RANJAN SARKER: From the description which he has given it is not very difficult to find it out.

Mr. JOGESH CHANDRA GUPTA: I think I ought not to take up the time of this House and I am sure that, before the cut motions are moved, the Hon'ble Minister will enlighten the House with regard to the precise nature of the Bill, its scope and application and what he really intends to preserve

Maulvi ABU HOSSAIN SARKAR: I cannot congratulate the Hon'ble Minister for bringing a Bill of this nature because I expected from him a Bill to preserve the poor tenants of Bengal instead of bringing out a Bill to preserve the animals of forests. But I do not wonder at this because he is a zemindar and he cares more for preserving the games than for preserving the poor tenants of Bengal. This reminds me, Sir, of the story of Mr. Spencer the poet. When his house was burnt by the Irish rebels and he was weeping, a member of the Lords' family came forward and asked him whether he lost his dog, because big men and zemindars do not know sorrow or grief until and unless they lose a horse, a dog or any other thing which amuses them. The Hon'ble Minister comes from North Bengal and I expected that he will bring in a Bill at least to benefit some people of that locality. Now, Sir, instead of doing that he wants now to preserve animals which are practically extinct. I may summarize his activities for bringing this Bill that after mountainous labour the Hon'ble Minister of North Bengal has produced a rat.

The Hon'ble Mr. PRASANNA DEB RAIKAT: Sir, in this connection first of all, I would point out to Mr. Gupta he wants to know what sort of rhinoceros it is, but it is—

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Shall I not get an opportunity to move my amendment.

Mr. SPEAKER: Amendments will come in after this motion is passed.

The Hon'ble Mr. PRASANNA DEB RAIKAT: But Mr. Gupta knows very well that all over the world people are trying to preserve all the rare animals—rhinoceros and other animals, birds and lizards, which are getting extinct, and he wants to know what sort of animal it is. I would point out to him to go and see in the Zoo. (Laughter.) My intention is only to save these animals from extinction and that is why I have brought forward this Bill.

The motion was put and agreed to.

Al-Haj Maulana Dr. SANAULLAH: Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting public opinion by the 31st of December 1938.

Mr. Speaker, Sir, in this connection I want to draw the pointed attention of the Hon'ble Minister in charge that these unlimited and unwarranted powers if handed over to Forest Guards and Police the sufferings of the poor people would know no bounds.

Mr. SPEAKER: Dr. Sanaullah, I am very sorry to interrupt you. My attention has just been drawn to a mistake in the printing arrangement as it appears on the agenda paper. I did not notice before that there was a motion for the purpose of eliciting public opinion standing in your name. The motion that the Bill be taken into consideration has just now been passed, and I am afraid that your motion for circulation for the purpose of eliciting public opinion cannot be taken up at this stage. It should have been taken up earlier. In any case, your motion fails. I am very sorry that my attention was not drawn to it earlier nor did you rise in your place.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in clause 3 in proposed section 4B(*1*), line 5, for the words "one thousand" the words "two hundred and fifty" be substituted, and, also, that in clause 3 in proposed section 4B(*2*), line 4, for the words "two thousand" the words "five hundred" be substituted.

Sir, the present Rhinoceros Preservation Bill is an amending Bill. The original Act—the Act which it is proposed to amend—is a comparatively new Act. This Act was passed only in 1932. It was passed, I believe on the lines of the Elephants Preservation Act which is the Government of India Act VI of 1879. The Bengal Act of 1932, i.e., the Rhinoceros Preservation Act, sought to prevent—rather it made illegal and punishable—the illicit killing or capturing of, or even injury to a rhinoceros. Now, Sir, a rhinoceros is certainly not such an inorganic substance or an inanimate object, that its parts may be taken away without injuring, capturing or killing the animal. Therefore, the present amending Bill whose object, so far as I can gather from the Statement of Objects and Reasons, is to control illicit trading in parts of a rhinoceros can be an Act for the preservation of rhinoceros

only in an indirect manner. Like the original Act it is not directly a Rhinoceros Preservation Act. Therefore the Bill is a misnomer in so far it is named the Bengal Rhinoceros Preservation (Amendment) Bill. If that be the case, then we should scrutinize the Bill, as the Bill proposes to create certain new offences, and not only to create these new offences but to punish these offences heavily. It proposes that for the illegal possession of even a part of a rhinoceros a man should be punished with a fine amounting to Rs. 1,000 and for repeating the offence with a fine extending to Rs. 2,000. Let us see, Sir, whether the present circumstances call for the enactment of such a Bill or not.

Sir, if you refer to the Forest Administration Report for 1933-34, you will find what was the position then. I am referring to this report inasmuch as if was the report of the year that followed the enactment of the original Act of 1932. In 1933-34, the position as regards this class of offences—I mean the offences against rhinoceros—was as follows:—

> "During the year carcasses of three elephants, one elephant calf, one rhinoceros without horn, were found in the forests of Buxa Division. A full-grown rhino calf was found lying in the Teesta River in a precarious condition with serious wounds in its left foreleg and succumbed to the injuries."

No balls or shots however could be recovered from the body. Therefore, the Forest departmental report could mention only one or two supposed instances of offences against the rhinoceros in 1933-34.

Then coming to the report for 1934-35, we find the following observation:—

> "The object of the game sanctuary in the Buxa Division was achieved, and the coaching of rhinoceros in the locality was brought under control."

And, Sir, we find in the report no mention of any offence of killing or injuring a rhinoceros.

In these circumstances, Sir, I think that Government have got to make out a strong case for enacting a Bill proposing to create a new class of offences entailing such heavy punishments, as they have proposed in this measure. Unless the Government can make out a very strong case, I think the Bill ought to be rejected.

Mr. SPEAKER: Are you moving the other amendment which also stands in your name—I refer to No. 42?

Rai HARENDRA NATH CHAUDHURY: Yes, Sir, I am moving both the amendments, i.e., Nos. 38 and 42.

One word more, Sir. In the Elephants Preservation Act provision is made for a fine of Rs. 500 only, and not more. This Bill proposes

to punish an offender with the much heavier fine of Rs. 1,000, and even of Rs. 2,000 in cases of repetition.

Mr. SPEAKER: Mr. Das Gupta, are you moving both the amendments that stand in your name—I am referring to Nos. 39 and 43?

Mr. NARENDRA NATH DAS GUPTA: Yes, Sir.

Sir, I beg to move that in clause 3 in proposed section 4B(*1*), line 5, for the word "thousand" the word "hundred" be substituted, and, also, that in clause 3 in proposed section 4B(*2*), line 4, for the word "thousand" the word "hundred" be substituted.

সভাপতি মহাশয়, যে বিল এখানে আনা হয়েছে আমি তার সংশোধন প্রস্তাব এই Assembly র সম্মুখে উপস্থাপিত করছি। কথা হচ্ছে এই যে গণ্ডারের শরীরের বিভিন্ন অংশ জনসাধারণ অনেক সময়ে সযত্নে রক্ষা করে। অবশ্য এজন্য নয় যে গণ্ডারের চর্ম্ম যদি কারও থাকে সে অপরের নানাবিধ আক্রমণ হ'তে নানাভাবে রক্ষা পেতে পারে; কিন্তু এইজন্য যে গণ্ডারের শরীরের অনেক অংশ প্রয়োজনীয়। তার অনেক প্রকার অত্যাশ্চার্য্য গুণ আছে। ঔষধের ব্যাপারে পর্য্যন্ত ইহা কার্য্যকর হ'তে পারে। সে সম্বন্ধে এই Assembly হলে আমি বিশেষ কিছু বিবৃতে করতে চাই না।

এখন কথা দাঁড়িয়েছে এই যে যদি কারও কাছে গণ্ডারের শরীরের কোন অংশ থাকে সেজন্য এক হাজার টাকা (১,০০০৲) জরিমানা করার যে ধারা, সেটা অত্যন্ত মারাত্মক। এই লাইনের মধ্যে এ কথা আছে যে পুলিশের যখন বিশ্বাস করবার কারণ হবে যে কোন প্রজার কাছে যে জিনিস আছে তা তার ব্যক্তিগত নয়, এবং তার যা আছে তা সন্দেহজনক—পুলিশের এই বিশ্বাসের উপর কত যে ঘটনা আমাদের দেশে ঘটছে, পুলিশের উপর ছেড়ে দিলে যে লোকের কি দারুণ সঙ্কট উপস্থিত হয় তা আমরা সকলেই অবগত আছি। কাজেই পুলিশের বিশ্বাসের উপর একটা জন্তুর কোন অংশ কাহার কাছে যদি থাকে তবে ১,০০০৲ টাকা জরিমানা বা দুবার যদি থাকে ত ২,০০০৲ টাকা জরিমানা—এ ধারা অত্যন্ত মারাত্মক। অবশ্য অনেকে বলতে পারেন যে ১,০০০৲ টাকা পর্য্যন্ত জরিমানা হবে; এক হাজার টাকাই হবে এমন কিছু নয় কিন্তু ১ হাজার টাকা পর্য্যন্ত যে জরিমানা হবে সেটা এই ধারায় সন্নিবেশিত করাই যে মারাত্মক। আমি জানি বিশেষ বিশেষ অপরাধ করলে ১ হাজার টাকা জরিমানা করা যায়। আজ একটা গণ্ডারের অংশ অন্য কারণের জন্য সংগ্রহ কোরে থাকে এবং সংগ্রহ কোরে জনসমাজে ব'লে থাকে তার মস্ত বড় সম্পদ আছে, আজ সেইজন্য—এই একটা অংশ যদি কারও কাছে পাওয়া যায়, তাহ'লে তার ১ হাজার টাকা জরিমানার যে ব্যাপার সে অত্যন্ত মারাত্মক এবং এই মারাত্মক আইনের কবলে যখন সে পড়বে তখন সেই গরীব গৃহস্থ হতাশ্বাস হয়ে পুলিশকে যথেষ্ট টাকা দিতে বাধ্য হবে। অবশ্য হয় ত ব'লতে পারেন যে Government official এর চুরির সম্বন্ধে দোষারোপ করা হচ্ছে। কিন্তু আমি জানি আমাদের দুর্ভাগা দেশে আমাদের গভর্ণমেণ্ট যে প্রকারভাবে আমাদের শাসন করেছেন এবং তাঁদের নীতি যে প্রকারভাবে অনুষ্ঠিত হচ্ছে তাতে এই হতভাগ্য দেশে হতভাগ্য জনসাধারণ কিভাবে নিপীড়িত হচ্ছে—বিশেষভাবে পুলিশের হাতে। তারা যখনই কোন একটা অবসর পায় তখনই জনসমাজের কাছ থেকে নানাভাবে উৎপীড়ন কোরে অর্থ সংগ্রহ করে—তা আমরা অবগত আছি। কাজেই যদি এই সামান্য অপরাধে ১,০০০৲ টাকা জরিমানা—এই ভীতি প্রদর্শন করবার সুযোগ পুলিশ পায়, তাহলে তার অদৃষ্টে বিচারে যাই হউক না কেন পুলিশের অদৃষ্টে অনেক কিছু সুবিধালাভ হয়ে থাকে। সেইজন্য আমি আজ এই সংশোধন প্রস্তাব এনেছি। অবশ্য আমি মন্ত্রী মহাশয়ের প্রস্তাবের সঙ্গে এই হিসাবে একমত যে যে জন্তুর অস্তিত্ব জগৎ থেকে লুপ্ত হবার উপক্রম হয়েছে তাকে রক্ষা করা শুধু সভ্যজগতের দিক থেকে নয়—সৃষ্টির দিক থেকেও অত্যন্ত প্রয়োজনীয়। কিন্তু সেই রক্ষাকল্পে যে গরীব নিরীহ গৃহস্থের উপর দারুণ অত্যাচার এবং তাদের রক্ষা কার্য্য যে অতিশয় দুর্বিসহ হ'য়ে উঠবে এমন প্রকার আইন প্রণয়ন আমাদের দিক দিয়ে করা উচিত নয়,—বিশেষতঃ যাঁরা জনসাধারণের হিতকারী। সেই জন্য আমি এই সংশোধন

প্রস্তাব করছি যে যেখানে ১,০০০৲ আছে সেখানে ১০০৲ হবে এবং যেখানে ২,০০০৲ আছে সেখানে ২০০৲ হবে।

The Hon'ble Mr. PRASANNA DEB RAIKAT: Sir, Rai Harendra Nath Chaudhuri wanted that the fine should be Rs. 250 for the first offence and Rs. 500 for subsequent offences. I may point out to him that rhinoceros is a valuable animal worth more than Rs. 2,000. Perhaps Mr. Rai Chaudhuri has not taken into account the value of its skin and bones. I would ask him to come with me and I will show him carcasses of a few animals still lying in the jungles in the Duars and he will then understand what amount of poaching is going on.

Rai HARENDRA NATH CHAUDHURI: The report says that poaching has been stopped.

The Hon'ble Mr. PRASANNA DEB RAIKAT: Speaking from my own personal experience I say that the number of rhinoceros has become very small and I do not think it is now more than 150 to 200. Unless some stringent measures are taken this animal will be totally extinct. I would, therefore, ask the members of the House to accept this Bill.

Mr. Speaker, I will now put the Bill clause by clause from the beginning.

The motion that clause 1 stand part of the Bill was put and agreed to.

The motion that clause 2 stand part of the Bill was put and agreed to.

The motions of Rai Harendra Nath Chaudhuri were put and lost.

The motions of Mr. Narendra Nath Das Gupta were put and lost.

The motion that clause 3 stand part of the Bill was put and agreed to.

The motion that the Preamble stands part of the Bill was put and agreed to.

The Hon'ble Mr. PRASANNA DEB RAIKAT: I beg to move that the said Bill, as settled in the Assembly, be passed.

The motion was put and agreed to.

The Bengal Touts Bill.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadu I beg to introduce a Bill for the suppression of touts in courts a certain offices in Bengal.

The Secretary then read the short title of the Bill.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadu I beg also to move that the said Bill be circulated for the purpose eliciting opinion thereon by the 15th May 1938.

Sir, I do not think I need speak much on a subject like this. A the members, and specially the pleader members know what a tout We do not like that these touts should infest the courts and other offi and do a lot of injury that they are actually perpetrating. To put stop to this evil, the present Bill has been introduced and before would ask the House to consider the Bill and pass it, I personally thi that it would be better to circulate the Bill for the purpose of eliciti public opinion thereon. After receiving public opinion, if it considered that the Bill is worth proceeding with, then I will take up, but on the contrary, if I find otherwise, I will not take it up.

The motion that the Bill for the suppression of touts in courts a certain offices in Bengal be circulated for the purpose of eliciting opini thereon by the 15th May 1938 was put and agreed to.

The Calcutta Official Receiver's Bill, 1938.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadu I beg to introduce a Bill to provide for the administration and conti of the Official Receiver of the High Court in Calcutta.

The Secretary then read the short title of the Bill.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadu I beg to move that the said Bill be referred to a Select Committee co sisting of—

(1) Babu Jatindra Nath Basu,

(2) Mr. Sarat Chandra Bose,

(3) Mr. Santosh Kumar Basu,

(4) Mr. Pramatha Nath Banerjee,

(5) Mr. F. C. Brasher,

(6) Mr. Debi Prasad Khaitan,

(7) Mr. Pulin Behary Mullick,

(8) Maulvi Abdul Bari,

(9) Maulvi Tamizuddin Khan,

(10) Al-Haj Maulana Dr. Sanaullah,

(11) Maulvi Abdul Latif Biswas, and

(12) the mover,

with instruction to submit their report by the 9th March 1938, and the number of members necessary to form a quorum shall be five.

I think it will not be necessary for me to justify my action in bringing a Bill of this nature before this House. You are all aware that at present the High Court is in charge of the Official Receiver's office. The High Court for reasons best known to all the Calcutta lawyers now say that it is not in a position to control the Official Receiver's action, as it has not got sufficient number of officers to check and audit the accounts of that office. It has, therefore, come forward with a proposal that this task should be taken over by the Government of Bengal. The Government of Bengal have no alternative but to accept it. They have investigated into the financial obligations of this proposal and found that although they would have to spend about Rs. 56,000, the actual income would be Rs. 76,000. So there will clearly be a net profit of Rs. 20,000 to Government. Although a part of this profit was coming to Government before also, the work that is being done by the Official Receiver is not what it ought to be. I do not like to disclose all the facts that have been brought to our notice. Under the circumstances I think it proper to enlighten the House that the time has come when the Government of Bengal should take over this task and perform it honourably and creditably. I believe that the Government of Bengal will be able to do the work in a proper way and without any difficulty. So I hope you will not object to the principle of the Bill, and accept it. The Select Committee that is going to be appointed will be able to revise or amend or modify the proposals that I have made in the body of the Bill.

Maulvi MUHAMMAD ISRAIL: Sir, may I move my amendment?

Mr. SPEAKER: Have you got the written consent of the members?

Maulvi MUHAMMAD ISRAIL: Yes, Sir. I can hand it over just now.

Mr. SPEAKER: As you have not already handed it over, you cannot move it.

Maulvi ABDUL LATIF BISWAS: Sir, may I move my amendment?

Mr. SPEAKER: Have you got the consent of the members?

Maulvi ABDUL LATIF BISWAS: Yes, Sir.

Mr. SPEAKER: But you have not given it to me.

Maulvi ABDUL LATIF BISWAS: I will do it now.

Mr. SPEAKER: I have ruled out one member and I do not think I can exercise my discretion in favour of another.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m. on Thursday, the 17th September 1938, at the Assembly House, Calcutta.

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